State of Utah
GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF WATER QUALITY
Erica Brown Gaddis, PhD
Director

FILE COPY

JUL 25 2018

Amy Clark
EPA Region VIII (8P-W-WW)
1595 Wynkoop Street
Denver, CO 80202-1129

Dear Ms. Clark:

Subject: Public Notice of UPDES Permit for Municipal Separate Storm Sewer Systems for Jordan Valley Municipalities Permit No. UTS000001

Enclosed please find a draft copy of the UPDES Permit for Discharges from Municipal Separate Storm Sewer Systems (MS4) for Jordan Valley Municipalities, Permit No. UTS000001. The Fact Sheet Statement of Basis and the Public Notice are also attached for your information. These documents are also being made available on-line at https://deq.utah.gov/division-water-quality during the 30-day public notice period.

If you have any questions with regards to this matter, please contact Trisha Di Paola at (801) 536-4193, or tdipaola@utah.gov.

Sincerely,

Jeanne Riley, Manager
Storm Water Section

JR:TD:smm

Enclosures

DWQ-2018-008024
SM

cc(w/o encl): Royal De Legge, Ph.D., Salt Lake Valley Health Dept.
Chris Cline, US Fish and Wildlife Service
Jason Gipson, Chief, Utah Regulatory Office, U.S. Corps Of Engineers

DWQ-2018-008024

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July 25, 2018

Newspaper Agency
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Salt Lake City, UT 84110

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ATTN: Legal Advertising Department

This letter will confirm authorization to publish the attached NOTICE in The Deseret News and Salt Lake Tribune in the first available edition. Please mail the invoice and affidavit of publication to:

Department of Environmental Quality
Division of Water Quality
Attn: Stacy Carroll
P.O. Box 144870
Salt Lake City, Utah 84114-4870

If there are any questions, please contact Savannah Miller at (801) 536-4316 or smoore1@utah.gov. Thank you for your assistance.

Sincerely,

Jeanne Riley, Manager
Storm Water Section

JR:TD:smm

DWQ-2018-008027

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

July 26, 2018

UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY
PUBLIC NOTICE OF THE REISSUANCE OF THE
PERMIT FOR DISCHARES FROM JORDAN VALLEY MUNICIPALITIES
MUNICIPAL SEPARATE STORM SEWER SYSTEMS

PURPOSE OF PUBLIC NOTICE

THE PURPOSE OF THIS PUBLIC NOTICE IS TO DECLARE THE STATE OF UTAH'S INTENTION TO REISSUE A UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) PERMIT UNDER AUTHORITY OF THE UTAH WATER QUALITY ACT, SECTION 19-5-104 AND 107, UTAH CODE ANNOTATED 1953, AS AMENDED. SAID "PERMIT" REFERS TO UPDES PERMIT AND THE STATEMENT OF BASIS, INCLUDING THE TOTAL MAXIMUM DAILY LOADS (TMDL'S) IF APPLICABLE, AS PER SECTION 303 (d) OF THE FEDERAL CLEAN WATER ACT (CWA).

PERMIT INFORMATION

NAME: MUNICIPAL SEPARATE STORM SEWER PERMIT (MS4) FOR JORDAN VALLEY MUNICIPALIEIS, UPDES

PERMIT NO: UTS000001

BACKGROUND

This permit authorizes discharges of storm water from MS4's from Jordan Valley Municipalities as defined in 40 CFR 122.26(b)(16). The permit requires the operator of a regulated MS4 to develop a storm water management program to address each of the following: 1. Public Education and Outreach; 2. Public Involvement/Participation; 3. Illicit Discharge Detection and Elimination; 4. Construction Site Runoff Control; 5. Long-Term Storm Water Management in New Development and Redevelopment, and; 6. Pollution Prevention/Good Housekeeping for Municipal Operations.

PUBLIC COMMENTS

Public comments are invited any time prior to of the close of business on August 27, 2018. Written public comments can be submitted to: Trisha Di Paola, UPDES Storm Water Section, Utah Division of Water Quality, P.O. Box 144870, Salt Lake City, Utah 84114-4870 or by email at: tdipaola@utah.gov. After considering public comment the Utah Water Quality Board may execute the permit issuance or revise it. The permit and associated documents are available for public review under "Public Notices" at https://deq.utah.gov/division-water-quality. If internet access is not available, a copy may be obtained by calling 801-536-4193.

DWQ-2018-008028

STATE OF UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY

Authorization to Discharge Municipal Storm Water Under the Utah Pollutant Discharge Elimination System (UPDES)

In compliance with the provisions of the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 2004, as amended (the "Act"), the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et. seq., as amended to date), and the rules and regulations made pursuant to those statutes, the

JORDAN VALLEY MUNICIPALITIES, specifically,

SALT LAKE COUNTY, BLUFFDALE CITY, COTTONWOOD HEIGHTS, DRAPER CITY, GREATER SALT LAKE MUNICIPAL SERVICE DISTRICT, HERRIMAN CITY, HOLLADAY CITY, MIDVALE CITY, MILLCREEK, MURRAY CITY, RIVERTON CITY, SANDY CITY, SOUTH JORDAN CITY, SOUTH SALT LAKE CITY, TAYLORSVILLE CITY, WEST JORDAN CITY, AND WEST VALLEY CITY

This Permit shall become effective on Month Day, 2018.

This Permit and the authorization to discharge shall expire at midnight, Month Day, 2023, except as described in Part 6.3 of this Permit.

Signed this day Month Day, 2018.

_____
Erica Brown Gaddis, PhD
Director

**UPDES PERMIT FOR DISCHARGES FROM
MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)**

TABLE OF CONTENTS

1.0 Coverage Under this Permit

1.1. Authority to Discharge

This Permit authorizes the discharge, to Waters of the State of Utah, of storm water from Co-Permittees defined in Part 1.2. of this Permit. This authorization is subject to all of the terms and conditions of this Permit. This Permit does not authorize discharges prohibited under Part 1.4. of this Permit.

1.2. Permit Area and Eligibility

1.2.1. This Permit covers all the following separate jurisdictional areas located within Greater Salt Lake County as follows:

1.2.1.1. Areas covered under "Phase I" provisions in this Permit which includes unincorporated Salt Lake County. This permitted area covers all areas within the unincorporated boundary of Salt Lake County served by, or otherwise contributing to discharges from, the municipal separate storm sewer(s) owned or operated by Salt Lake County and also includes all Salt Lake County owned and operated storm drainage facilities ("countywide facilities") that are not owned or operated by the Greater Salt Lake Municipal Service District (MSD); and

1.2.1.2. Areas covered under "Phase II" provisions in this Permit which includes:

1.2.1.2.1 Salt Lake County "countywide" facilities owned and maintained by Salt Lake County that are within Greater Salt Lake County, but outside of the boundaries of Salt Lake City and unincorporated Salt Lake County that are not owned or operated by the MSD; and

1.2.1.2.2 Incorporated areas within Salt Lake County, which are defined as small municipal separate storm sewer systems as defined in *Utah Administrative Code* (UAC) R317-8-3.9 and listed below:

- Bluffdale City
- Cottonwood Heights
- Draper City
- Greater Salt Lake Municipal Service District
- Herriman City
- Holladay City
- Midvale City
- Millcreek City
- Murray City
- Riverton City
- Sandy City
- South Jordan City
- South Salt Lake City
- Taylorsville City

- West Jordan City
- West Valley City

1.2.1.2.3 Additional operators of small municipal separate storm sewers within the boundaries of Salt Lake County, which submit application and are approved for inclusion under the Permit during the course of this Permit cycle.

1.2.1.3. No operator of a Small MS4 described in 40 CFR 122.32 may discharge from that system without authorization from the *Director*. (See Utah Administrative Code Section R317-8-3.9(1)(h)(1)(a), which sets forth the Permitting requirement, and R317-8-1.10(13), which incorporates 40 CFR 122.32 by reference). Authorization to discharge under the terms and conditions of this Permit is granted if:

1.2.1.4. The operator submits a Notice of Intent (NOI) in accordance with Part 2.0 of this Permit;

1.2.1.5. The MS4 is located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census;

1.2.1.6. The operator is ordered by the *Director* to obtain coverage under this Permit, as provided in the UPDES rules, R317-8.

1.2.2. The following are types of authorized discharges:

1.2.2.1. *Storm water discharges.* This Permit authorizes storm water discharges to waters of the State from the Small MS4s identified in 1.2.1., except as excluded in Part 1.4.

1.2.2.2. *Non-storm water discharges.* The following non-storm water discharges do not need to be addressed unless the Co-Permittee or the *Director* identifies these discharges as significant sources of pollutants to Waters of the State or as causing or contributing to a violation of water quality standards:

- Water line flushing
- Landscape irrigation
- Diverted stream flows
- Rising ground waters
- Uncontaminated ground water infiltration
- Uncontaminated pumped ground water
- Discharges from potable water sources
- Footing drains
- Foundation drains
- Air conditioning condensate
- Irrigation water
- Springs
- Water from crawl space pumps
- Individual residential car washing
- Flows from riparian habitats and wetlands
- Dechlorinated swimming pool discharges
- Residual street wash water

- Dechlorinated water reservoir discharges
- Discharges or flows from emergency firefighting activity

1.3. Local Agency Authority

This Permit does not pre-empt or supersede the authority of local agencies to prohibit, restrict, or control discharges to storm drain systems or other water courses within their jurisdiction.

1.4. Limitations on Coverage

This Permit does not authorize:

1.4.1. Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are in compliance with a separate UPDES Permit or are determined not to be a substantial contributor of pollutants to Waters of the State.

1.4.2. Storm water discharges associated with industrial activity as defined in *Utah Administrative Code (UAC) R317-8-3.9(6)(c).*

1.4.3. Storm water discharges associated with construction activity as defined in *UAC R317-8-3.9(6)(d)(10)* and *R317-8-3.9(6)(d)(11).*

1.4.4. Storm water discharges currently covered under another Permit.

1.4.5. Discharges that would cause or contribute to in-stream exceedances of water quality standards as contained in *UAC R317-2.*

1.4.6. Discharges of any pollutant into any Waters of the State for which a Total Maximum Daily Load (TMDL) has been approved by EPA unless the discharge is consistent with the TMDL. This consistency determination applies at the time a Notice of Intent is submitted. If conditions change after coverage is issued, the coverage may remain active provided the conditions and requirements of Part 3.1. of this Permit are complied with.

1.5. Co-Permittee(s) and Co-Permittee Accountability

1.5.1. The following entities are Co-Permittees covered in this Permit:

1.5.1.1 All entities listed in Permit Parts 1.2.1.1., 1.2.1.2.1, and 1.2.1.2.2, and;

1.5.1.2. Additional operators of small municipal separate storm sewers within the boundaries of Salt Lake County, which submit application and are approved for inclusion under the Permit during the course of this Permit cycle.

Each Co-Permittee is individually accountable for:

1.5.2. Permit compliance for discharges from portions of the MS4 where it is the operator and for areas within its legal jurisdiction, unless another Co-Permittee has agreed in writing to assume that responsibility within the jurisdiction of the Co-Permittee as described in Appendix I: *Co-Permittee Identification and Accountability*;

1.5.3. Development of a Storm Water Management Program (SWMP) as further described in Part 4.0., in the MS4 area of their jurisdiction, unless another Co-Permittee has agreed to assume that responsibility within the jurisdiction of the Co-Permittee as described in Appendix I: *Co-Permittee Identification and Accountability*;

1.5.4. Implementation of a SWMP and ensuring that the six minimum control measures described in Part 4.2. are implemented for portions of the MS4 where it is the operator and in areas within its legal jurisdiction, unless another Co-Permittee has agreed to assume that responsibility within the jurisdiction of the Co-Permittee as described in Appendix I: *Co-Permittee Identification and Accountability*;

1.5.5. Permit compliance (all or part), development of a SWMP (all or part), and implementation of the SWMP (all or part) in an area outside of the Co-Permittees legal municipal jurisdiction if the Co-Permittee has agreed to the added responsibility as described in Appendix I: *Co-Permittee Identification and Accountability*;

1.5.6. Cooperation in compiling any shared portions of the annual reporting requirements listed in Part 5.6., except that a Co-Permittee is individually liable for any parts of the annual report that relate exclusively to portions of the MS4 where it is the operator as specified in Appendix I: *Co-Permittee Identification and Accountability*;

1.5.7. Phase I Co-Permittee, Salt Lake County, shall provide wet weather monitoring as described in Appendix III if required by the *Director.*

1.5.8. Phase I Co-Permittee, Salt Lake County shall comply with the additional Industrial and High Risk Runoff Permit requirements contained in Part 4.3. if industrial and high-risk runoff commercial sites meeting the criteria identified in Part 4.3.1. are located within the unincorporated boundary of Salt Lake County served by, or otherwise contributing to discharges from, the municipal separate storm sewer(s) owned or operated by Salt Lake County and also including all Salt Lake County owned and operated storm drainage facilities ("countywide facilities") that are not owned or operated by the Greater Salt Lake Municipal Service District (MSD).

1.6 Documents the Co-Permittees Shall Develop to Append the Permit

The following documents shall be developed and signed (in accordance with Part 6.8. *Signatory Requirements)* by the Co-Permittees, and will append the Permit as enforceable Permit conditions binding on the Co-Permittees:

1.6.1. Appendix I: *Co-Permittee Identification and Accountability* shall contain:

1.6.1.1. A list of all Co-Permittees covered by this Permit, a description of the legal jurisdiction of the Co-Permittees, MS4 boundaries, and the date the Co-Permittee is officially included as a Co-Permittee under this Permit (the Permit shall be modified as a minor modification, not requiring public notice, pursuant to *UAC R317-8-5.6(3)(d)* to officially include additional Co-Permittees);

1.6.1.2. Where Permit compliance and SWMP development and implementation accountability is transferred, all or part, to another Co-Permittee, a description of where (on which Co-Permittee) the accountability falls. The description shall assign clear and distinct accountability to the Co-Permittees involved as to who is responsible for what Permit compliance issues, who is to develop what portions of a SWMP, and who is to implement what portions of the SWMP;

1.6.1.3. Any necessary agreements, contracts, or memorandum of understanding (MOUs) between Co-Permittees and/or other municipal (or non-municipal) entities that affect the implementation and operation of SWMP.

1.6.2. Timing for Development & Inclusions or Exclusions of Co-Permittees:

1.6.2.1. The *Co-Permittee Identification and Accountability* document must be updated within 30 days of issuance of this Permit;

1.6.2.2. The *Co-Permittee Identification and Accountability* document shall be updated immediately for each new inclusion or exclusion of a Co-Permittee.

1.6.3. Appendix II: *Storm Water Management Program* (for each MS4 listed in *Appendix I*):

1.6.3.1. The purposes, objectives, and the required contents of Appendix II are listed in Part 4.0 of this Permit.

1.6.4. Appendix III: *Storm Water Wet and Dry Weather Monitoring Plans*:

1.6.4.1. The purposes, objectives, and the required contents for Appendix III are listed in Part 5.2 of this Permit.

1.6.4.2. Modifications to this document shall be approved with a signature by the *Director*.

1.6.5. Modification and Maintenance of Appendices:

1.6.5.1. Co-Permittees shall keep the documents in the appendices current and up to date and attempt to achieve the purpose and objectives of the required document;

1.6.5.2. All modifications to the appendix documents shall show proof that it was submitted to the *Director* (a received date stamp from the Division of Water Quality, or verification e-mail from DWQ would be sufficient), and if required, it shall show that it was approved by the *Director* (a signature by the *Director* by an approval statement on the document, a separate letter signed by the *Director* approving of the modification, or similar is sufficient);

1.6.5.3. Each Appendix shall maintain a record of the original document, each modification, and the date the modification was made;

1.6.5.4. The *Director* may at any time make a written determination that parts or all of the appendix documents are unacceptable, wherein the Co-Permittee(s) must make modifications to the unacceptable parts within 30 days, or within a time frame specified by the *Director*.

2.0 Notice of Intent and Storm Water Management Program Requirements

2.1. New Applicants

The requirements of this Part apply only to Co-Permittees **not** covered under the previous Jordan Valley Municipalities UPDES Permit No. UTS000001, i.e. **New Applicants**. Co-Permittees that were covered under the previous Jordan Valley Municipalities UPDES Permit No. UTS000001, i.e. Renewal Applicants, and have submitted a notice of intent (NOI) at least 180 days prior to the expiration date of the previous Permit, shall instead follow the requirements of Part 2.3.

2.1.1. New applicants shall meet the following application requirements. The Notice of Intent (NOI) shall include submittal of the Storm Water Management Program (SWMP) document. Detailed information on SWMP requirements can be found in Part 4.0 of this Permit.

2.1.2. Within 180 days of notification from the *Director,* the operator of the MS4 shall submit a NOI form as provided by the Division athttps://deq.utah.gov/legacy/permits/water-quality/utah-pollutant-discharge-elimination-system/storm-water-municipal.htm. (The *Director* retains the right to grant permission for a later submission date upon good cause shown). One original completed NOI shall be submitted, by mail or hand delivery to:

Attention: MS4 Program Coordinator
UPDES Storm Water Section
Department of Environmental Quality
Division of Water Quality
195 North 1950 West
PO Box 144870
Salt Lake City, UT 84114-4870

2.1.3. Late submittal of an NOI is prohibited (unless permission has been granted by the *Director*). If a late NOI is submitted, authorization is only for discharges that occur

after Permit coverage is granted. The *Director* reserves the right to take appropriate enforcement actions for any unpermitted discharges.

2.1.4. Where application is made by a new applicant that has assumed operational control of an MS4 for which coverage under this Permit was previously held by a separate entity, the Director may determine that the new applicant shall comply with the Permit requirements in this Permit, as directed for Renewal Permittees. Notification shall be made by the *Director* of this requirement in writing to the New Applicant prior to issuance of Permit coverage

2.1.5. Implementation of the Co-Permittee's SWMP shall include the six minimum control areas, including Measurable Goals, described in Part 4.2. Measurable Goals for each of the program areas shall include, as appropriate, the year by which the Co-Permittee will undertake required actions, including interim milestones and the frequency of the action if applicable.

2.1.6. Implementation of the Co-Permittee's SWMP as described in the Co-Permittee's application is required to begin within 30 days after the completed application is submitted. The Co-Permittee shall fully develop and implement the SWMP as discussed in Part 4.0 of the Permit by the end of the Permit term unless a more restrictive timeframe is indicated.

2.1.7. If an Operator is designated by the *Director* as requiring Permit coverage later than one year after the effective date of this General Permit, the *Director* may approve alternative deadlines that would allow the Co-Permittee to have its program areas implemented.

2.2. Contents of the Notice of Intent

The Notice of Intent requires, at a minimum, the following information:

2.2.1. Name, address, and telephone number of the principal executive officer, ranking elected official or other duly authorized employee in charge of municipal resources used for implementation of the SWMP;

2.2.2. Name(s)/ identification of Waters of the State as defined by UAC R317-1-1.32 that receive discharges from the Co-Permittee's MS4;

2.2.3. Name of the person responsible for overseeing implementation and coordination of the SWMP;

2.2.4. Summary description of the overall water quality concerns, priorities, and measurable goals specific to the Co-Permittee that were considered in the development of the SWMP;

2.2.5. The SWMP document shall consist of, at a minimum, a description of the program elements that will be implemented (or already exist) for each of the SWMP minimum control measures. The plan shall be detailed enough for the Division to determine the Co-Permittee's general strategy for complying with the required items in each of the six minimum control measures in the SWMP document (see Part 4.2 of this Permit);

2.2.6. Information on the chosen Best Management Practices (BMPs) and the measurable goals for each of the storm water minimum control measures in Part 4.2 of this Permit and, as appropriate, the timeframe by which the Co-Permittee will achieve required actions, including interim milestones;

2.2.7. Co-Permittees shall each submit an NOI and individual SWMP document which will clearly identify the areas of the MS4 for which each of the Co-Permittees are responsible. Co-Permittees which are relying on another entity(ies) to satisfy one or more of their Permit obligations shall include with the NOI, a summary of the Permit obligations that will be carried out by the other entity(ies). During the term of the Permit, Co-Permittees may terminate or amend shared responsibility arrangements by notifying the Director, provided this does not alter implementation deadlines.

2.2.8. Certification and signature requirements in accordance with Part 6.8.

2.3. Storm Water Management Program Plan Description for Renewal Co-Permittees

2.3.1. The requirements of this part apply only to **Renewal Co-Permittees** that were covered under the previous Jordan Valley Municipalities UPDES Permit No. UTS000001. New applicants are not required to meet the requirements of this Part and instead shall follow the requirements of Part 2.0.

2.3.2. Renewal Co-Permittees shall submit a **revised SWMP document** to the Director within 120 days of the effective date of this Permit, which includes at a minimum, the following information:

2.3.2.1. Permit number;

2.3.2.2. MS4 location description and map;

2.3.2.3. Information regarding the overall water quality concerns, priorities, and measurable goals specific to the Co-Permittee that were considered in the development and/or revisions to the SWMP document;

2.3.2.4. A description of the program elements that will be implemented (or are already being implemented) in each of the six minimum control measures (see Part 4.0);

2.3.2.5. A description of any modifications to ordinances or long-term/ongoing processes implemented in accordance with the previous MS4 Permit for each of the six minimum control measures;

2.3.2.6. A description of how the Co-Permittee intends to meet the Permit requirements as described in Part 4.0 by either referencing existing program areas that already meet the Permit requirements or a description and relevant measurable goals that include, as appropriate, the year by which the Co-Permittee will achieve required actions, including interim milestones.

2.3.2.7. Indicate the joint submittal (s) of Co-Permittees (if applicable) and the associated responsibility (ies) in meeting requirements of the SWMP.

2.3.2.8. Certification and signature requirements in accordance with Part 6.8.

2.3.2.9. The revised SWMP document shall contain specific details for complying with the required items in each of the six minimum control measures contained within the SWMP document (See Part 4.2.).

3.0. Special Conditions

3.1. Discharges to Water Quality Impaired Waters

3.1.1. Applicability: Co-Permittees shall:

3.1.1.1. Determine whether storm water discharge from any part of the MS4 contributes to a 303(d) listed (i.e., impaired) waterbody. A 303(d) list of impaired waterbodies is available at https://enviro.deq.utah.gov/

Water quality impaired waters means any segment of surface waters that has been identified by the Division as failing to support classified uses. If the Co-Permittee has discharges meeting these criteria, the Co-Permittee shall comply with Part 3.1.2. below and if no such discharges exist, the remainder of this Part 3.1 does not apply.

3.1.1.2. If the Co-Permittee has "303(d)" discharges described above, the Co-Permittee must also determine whether a Total Maximum Daily Load (TMDL) has been developed by the Division and approved by EPA for the listed waterbody. If there is an approved TMDL, the Permittee must comply with all requirements associated with the TMDL as well as the requirements of Part 3.1.2. below. If no TMDL has been approved, the Co-Permittee must comply with Part 3.1.2. below and any TMDL requirements once it has been approved. TMDL requirements may be put into effect at any time during this Permit term.

3.1.2. Water Quality Controls for Discharges to Impaired Waterbodies. If the Co-Permittee discharges to an impaired waterbody, the Co-Permittee shall include in its SWMP document a description of how the Co-Permittee will control the discharge of the pollutants of concern. This description must identify the measures and BMPs that will collectively control the discharge of the pollutants of concern. The measures must be presented in the order of priority with respect to controlling the pollutants of concern.

3.1.3. Where a discharge is already authorized under this Permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the Director will notify the Co-Permittee of such violation(s). The Co-Permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions as required by the Director. If violations remain or re-occur, coverage under this Permit may be terminated by the Director and an alternative general Permit or individual Permit may be issued. Compliance with this requirement does not preclude any enforcement activity as provided by the Utah Water Quality Act for the underlying violation.

3.2. Nitrogen and Phosphorus Reduction

3.2.1. As part of the Co-Permittee's Storm Water Management Program (SWMP), all Co-Permittee's must specifically address the reduction of water quality impacts associated with nitrogen and phosphorus in discharges from the MS4.

3 .2.1.1 The Co-Permittee can meet the requirements of this section through contribution to a collaborative program (e.g., storm water coalitions) to evaluate, identify, target, and provide outreach that addresses sources State-wide or within a specific region or watershed.

3.2.1.2 The Co-Permittee must determine and target sources (e.g., residential, industrial, agricultural, or commercial) that are contributing to, or have the potential to contribute, nitrogen and phosphorus to the waters receiving the discharge authorized under this Permit.

3.2.1.3 The Co-Permittee shall prioritize which targeted sources are likely to obtain a reduction in nitrogen and phosphorus discharges through education. The Co-Permittee must distribute educational materials or equivalent outreach to the prioritized targeted sources. Educational materials or equivalent outreach must describe storm water quality impacts associated with nitrogen and phosphorus in storm water runoff and illicit discharges, the behaviors of concern, and actions that the target source can take to reduce nitrogen and phosphorus. The Co-Permittee may incorporate the education and outreach to meet this requirement into the education and outreach strategies provided in accordance with Permit Part 4.2.1.

4.0 Storm Water Management Program

Co-Permittees covered under the previous Jordan Valley Municipalities Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems, i.e. **Renewal Co-Permittees**, are expected to have fully implemented all of the following six minimum control measures as required in the previous permit term. Co-Permittees that were newly designated during the previous Permit term have 5 years from the date of their submitted NOI to develop, fully implement and enforce their Storm Water Management Program (SWMP). A Renewal Co-Permittee must continue to implement its SWMP designed to reduce the discharge of pollutants from the MS4 as described in the application and submittals provided in accordance with the previous Jordan Valley Municipalities Permit, while updating its SWMP document pursuant to this permit. This Permit does not extend the compliance deadlines set forth in the previous Jordan Valley Municipalities MS4 Permit unless specifically noted. All requirements contained in this renewal permit are effective immediately unless an alternative timeframe is indicated.

4.1. Requirements

4.1.1. All Co-Permittees shall develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the MS4, protect water quality, and satisfy the appropriate water quality requirements of the *Utah Water Quality Act.* The SWMP must include the six minimum control measures described in Part 4.2 of this Permit.

4.1.1.1. The SWMP shall be developed and implemented in accordance with the schedules contained in Part 4.0. of this Permit.

4.1.2. Each Co-Permittee shall have an ongoing documentation process for gathering, maintaining, and using information to conduct planning, set priorities, track the development and implementation of the SWMP, evaluate Permit compliance/non-compliance, and evaluate the effectiveness of the SWMP implementation.

4.1.2.1. Each Co-Permittee shall track the number of inspections performed, official enforcement actions taken, and types of public education activities implemented as required for each SWMP component. This information shall be provided to the Director upon request and used by the Director to determine compliance with this Permit.

4.1.2.2. Each Co-Permittee shall secure the resources necessary to meet all requirements of this Permit. Each Co-Permittee shall conduct an annual analysis of the capital and operation and maintenance expenditures needed, allocated, and spent as well as the necessary staff resources needed and allocated to meet the requirements of this Permit, including any development, implementation, and enforcement activities required. Each Co-Permittee must submit a summary of its fiscal analysis with each annual report.

4.1.3. The SWMP document shall include BMPs that the Co-Permittee or another entity will implement for each of the storm water minimum control measures.

4.1.3.1. The measurable goals for each of the BMPs shall include, as appropriate, the months and years in which the Co-Permittee will undertake required actions, including interim milestones and the frequency of the actions.

4.1.3.2. The SWMP document shall indicate the person or persons responsible for implementing or coordinating the BMPs contained within the SWMP document.

4.1.3.3. The revised SWMP document shall clearly identify the roles and responsibilities of all offices, departments, divisions, or sub-sections and if necessary other responsible entities and it shall include any necessary agreements, contracts, or memorandum of understanding (MOUs) between said entities that affect the implementation and operation of the SWMP. Necessary agreements, contracts, and MOUs shall deal with coordination or clarification of the responsibilities associated with the detection and elimination of improper connections or illicit discharges to the MS4, BMP coordination or other coordinated programs or sensitive issues of unclear or overlapping responsibility. Such agreements, contracts, and MOUs shall be retained by the Co-Permittees as required by the SWMP document.

4.1.3.4 Failure to meet these requirements with a good faith effort and within the timeframes set forth may result in an enforcement action by the *Director*.

4.2. Minimum Control Measures

Co-Permittees covered under the previous Jordan Valley Municipalities UPDES Permit No. UTS000001, i.e. **Renewal Co-Permittees**, are expected to have fully implemented Storm Water Management Programs (SWMPs) that reflect the permit requirements of the previous permit cycle. A Renewal Co-Permittee shall continue to implement its SWMP as described in the application and submittals provided in accordance with the previous Jordan Valley Municipalities MS4 Permit, while updating its SWMP document pursuant to this renewal Permit. This Permit does not extend the compliance expectations set forth in the previous MS4 Permit or any corrective action plans and associated schedules unless specifically noted.

The six minimum control measures that shall be included in the storm water management program are:

4.2.1. Public Education and Outreach on Storm Water Impacts

The Co-Permittee shall implement a public education and outreach program to promote behavior change by the public to reduce water quality impacts associated with pollutants in storm water runoff and illicit discharges. Outreach and educational efforts shall include a multimedia approach and shall be targeted and presented to specific audiences for increased effectiveness. The educational program shall include documented education and outreach efforts for the following four audiences: (1) residents, (2) businesses, institutions, and commercial facilities, (3) developers and contractors (construction), and (4) MS4 owned or operated facilities. The minimum performance measures which should be based on the land uses and target audiences found within the community include:

4.2.1.1. Target specific pollutants and pollutant sources determined by the Co-Permittee to be impacting, or have the potential to impact, the beneficial uses of receiving water.

This includes providing information which describe the potential impacts from storm water discharges; methods for avoiding, minimizing, reducing and /or eliminating the adverse impacts of storm water discharges; and the actions individuals can take to improve water quality, including encouraging participation in local environmental stewardship activities, based on the land uses and target audiences found within the community;

4.2.1.2. Provide and document information given to the general public of the Co-Permittee's prohibitions against and the water quality impacts associated with illicit discharges and improper disposal of waste. The Co-Permittee shall at a minimum consider the following topics. These topics are not inclusive and the Co-Permittee shall focus on those topics most relevant to the community: maintenance of septic systems; effects of outdoor activities such as lawn care (use of pesticides, herbicides, and fertilizers); benefits of on-site infiltration of storm water; effects of automotive work and car washing on water quality; proper disposal of swimming pool water; and proper management of pet waste.

4.2.1.3. Provide and document information given to institutions, industrial, and commercial facilities on an annual basis of the Co-Permittee's prohibition against and the water quality impacts associated with illicit discharges and improper disposal of waste. The Co-Permittee shall at a minimum consider the following topics. These topics are not inclusive and the Co-Permittee shall focus on those topics most relevant to the community: proper lawn maintenance (use of pesticides, herbicides and fertilizer); benefits of appropriate on-site infiltration of storm water; building and equipment maintenance (proper management of waste water); use of salt or other deicing materials (cover/prevent runoff to storm system and contamination to ground water); proper storage and management of materials and dumpsters (cover and pollution prevention); and proper management of parking lot surfaces (sweeping). This education can also be a part of the Illicit Discharge Detection and Elimination measure detailed in Part 4.2.3.

4.2.1.4. Provide and document information given to engineers, construction contractors, developers, development review staff, and land use planners concerning the development of storm water pollution prevention plans (SWPPPs) and BMPs for reducing adverse impacts from storm water runoff from development sites. This education can also be a part of the Construction Site Storm Water Runoff minimum control measure detailed in Part 4.2.4.

4.2.1.5. Provide and document information and training given to employees of the Co-Permittee's owned and operated facilities concerning the Co-Permittee's prohibition against and the water quality impacts associated with illicit discharges and improper disposal of waste. The Co-Permittee shall at a minimum consider the following topics: equipment inspection to ensure timely maintenance; proper storage of industrial materials (emphasize pollution prevention); proper management and disposal of wastes; proper management of dumpsters; minimization of use of salt and other de-icing materials (cover/prevent runoff to MS4 and ground water contamination); benefits of appropriate on-site infiltration (areas with low exposure to industrial materials such as roofs or employee parking); and proper maintenance of parking lot surfaces (sweeping).

4.2.1.6. Provide and document information and training given to MS4 engineers, development and plan review staff, land use planners, and other parties as applicable to learn about Low Impact Development (LID) practices, green infrastructure practices, and to communicate the specific requirements for post-construction control and the associated Best Management Practices (BMPs) chosen within the SWMP.

4.2.1.7. An effective program shall show evidence of focused messages and audiences as well as demonstration that the defined goal of the program has been achieved. The Co-Permittee must define the specific messages for each audience. The Co-Permittee must identify methods that will be used to evaluate the effectiveness of the educational messages and the overall education program. Any methods used to evaluate the effectiveness of the program shall be tied to the defined goals of the program and the overall objective of changes in behavior and knowledge.

4.2.1.8. The Co-Permittee shall include written documentation or rationale as to why particular BMPs were chosen for its public education and outreach program.

4.2.2. Public Involvement/Participation

The Co-Permittee shall implement a program that complies with applicable State and Local public notice requirements. The SWMP shall include ongoing opportunities for public involvement and participation such as advisory panels, public hearings, watershed committees, stewardship programs, environmental activities, other volunteer opportunities, or other similar activities. The Co-Permittee should involve potentially affected stakeholder groups, which include but is not limited to, commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and education organizations. The minimum performance measures are:

4.2.2.1. Co-Permittees shall adopt a program or policy directive to create opportunities for the public to provide input during the decision making processes involving the development, implementation and update of the SWMP document including development and adoption of all required ordinances or regulatory mechanisms.

4.2.2.2. Renewal Co-Permittees shall make the revised SWMP document available to the public for review and input within **120** days from the effective date of this Permit. New Applicants shall make the SWMP document available to the public for review and input within **180** days of receiving notification from the *Director* of the requirement for Permit coverage.

4.2.2.3. A current version of the SWMP document shall remain available for public review and input for the life of the Permit. The Co-Permittee shall post the latest version of the SWMP within 120 days from the effect date of the Permit on their website and shall clearly denote a specific contact person and phone number or email address to allow the public to review and provide input for the life of the Permit.

4.2.2.4. The Co-Permittee shall at a minimum comply with State and Local public notice requirements when implementing a public involvement/participation program.

4.2.3. Illicit Discharge Detection and Elimination (IDDE)

All Co-Permittees shall revise as necessary, implement and enforce an IDDE program to systematically find and eliminate sources of non-storm water discharges from the MS4 and to implement defined procedures to prevent illicit connections and discharges according to the minimum performance measures listed below. The IDDE program shall be described in writing, incorporated as part of the Co-Permittee's SWMP document, and contain the elements detailed in this part of the Permit. The minimum performance measures are:

4.2.3.1. Maintain a current storm sewer system map of the MS4, showing the location of all municipal storm sewer outfalls with the names and location of all State waters that receive discharges from those outfalls, storm drain pipe and other storm water conveyance structures within the MS4.

4.2.3.2. Effectively prohibit, through ordinance or other regulatory mechanism, non-storm water discharges to the MS4, including spills, illicit connections, illegal dumping and sanitary sewer overflows ("SSOs") into the storm sewer system, require removal of

such discharges consistent with Part 4.2.3.6. of this Permit, and implement appropriate enforcement procedures and actions. The Co-Permittee must apply escalating enforcement procedures as necessary for the severity of violation and/or the recalcitrance of the violator. Exceptions are discharges pursuant to a separate UPDES Permit (other than the UPDES Permit for discharges from the MS4) and non-storm water discharges listed in Part 1.2.2.2.

4.2.3.2.1 The IDDE program must have adequate legal authority to detect, investigate, eliminate and enforce against non-storm water discharges, including illegal dumping, into the MS4. Adequate legal authority consists of an effective ordinance, by-law, or other regulatory mechanism. The documented IDDE program that is included in the Co-Permittee's SWMP shall include a reference or citation of the authority the Co-Permittee will use to implement all aspects of the IDDE program.

4.2.3.3. Implement a written plan to detect and address non-storm water discharges to the MS4, including spills, illicit connections, sanitary sewer overflows and illegal dumping. The plan shall include:

4.2.3.3.1 Written systematic procedures for locating and listing the following **priority areas** likely to have illicit discharges (if applicable to the jurisdiction):

- Areas with older infrastructure that are more likely to have illicit connections;
- Industrial, commercial, or mixed use areas;
- Areas with a history of past illicit discharges;
- Areas with a history of illegal dumping;
- Areas with onsite sewage disposal systems;
- Areas with older sewer lines or with a history of sewer overflows or cross-connections; and
- Areas upstream of sensitive waterbodies; and,
- Other areas the Co-Permittee determines to be likely to have illicit discharges

The Co-Permittee shall document the basis for its selection of each **priority area** and create a list of all **priority areas** identified in the system. This **priority area** list shall be updated annually to reflect changing priorities.

4.2.3.3.2 Field inspections of areas which are determined to be a **priority area** as identified in Permit Part 4.2.3.3.1 must be conducted annually at a minimum. Priority area inspection activities shall utilize an inspection form to document findings.

4.2.3.3.3 Dry weather screening (see Definition 7.13) for the purpose of verifying outfall locations and detecting illicit discharges that discharge within the Co-Permittee's jurisdiction to a receiving water. All outfalls shall be inspected at least once during the 5-year Permit term. Dry weather screening activities shall utilize an inspection form to document findings.

4.2.3.3.4 If the Permittee discovers or suspects that a discharger may need a separate UPDES permit (e.g., Industrial Storm Water Permit, Dewatering Permit), the Permittee shall notify the Director.

4.2.3.4. Implement standard operating procedures (SOPs) or similar type of documents for tracing the source of an illicit discharge; including visual inspections, and when necessary, opening manholes, using mobile cameras, using field tests of selected chemical parameters as indicators of discharge sources, collecting and analyzing water samples for the purpose of determining sanctions or penalties, and/or other detailed inspection procedures.

4.2.3.5. Implement standard operating procedures (SOPs) or similar type of documents for characterizing the nature of, and the potential public or environmental threat posed by, any illicit discharges found by or reported to the Co-Permittee by the hotline or other telephone number described in 4.2.3.9. These procedures shall include detailed instructions for evaluating how the discharge shall be immediately contained and steps to be taken for containment of the discharge. Compliance with this provision will be achieved by initiating an investigation immediately upon being alerted of a potential illicit discharge.

4.2.3.5.1 When the source of a non-storm water discharge is identified and confirmed, the Co-Permittee shall record the following information in an inspection report: the date the Co-Permittee became aware of the non-storm water discharge, the date the Co-Permittee initiated an investigation of the discharge, the date the discharge was observed, the location of the discharge, a description of the discharge, the method of discovery, date of removal, repair, or enforcement action; date, and method of removal verification. Analytical monitoring may be necessary to aid in the identification of potential sources of an illicit discharge and to characterize the nature of the illicit discharge. The decision process for utilizing analytical monitoring shall be fully documented in the inspection report.

4.2.3.6. Implement standard operating procedures (SOPs) or similar type of documents for ceasing the illicit discharge, including notification of appropriate authorities; notification of the property owner; technical assistance for removing the source of the discharge or otherwise eliminating the discharge; follow-up inspections; and escalating enforcement and legal actions if the discharge is not eliminated. Illicit discharges to the MS4 are prohibited and any such discharges violate this Permit and remain in violation until they are eliminated. Upon detection, the Co-Permittee must require immediate cessation of improper disposal practices upon confirmation of responsible parties in accordance with its enforceable legal authorities established pursuant to Part 4.2.3.2.1. of this Permit.

4.2.3.6.1 All IDDE investigations shall be thoroughly documented and may be requested at any time by the *Director*. If a Co-Permittee is unable to meet the minimum performance measures outlined in Parts 4.2.3.5. or 4.2.3.6., the Co-Permittee must immediately submit to the *Director* written documentation or rationale describing the circumstances why compliance with the minimum performance measures was not possible. All IDDE documentation shall be retained by the Co-Permittee as required by the SWMP document.

4.2.3.7. Co-Permittees shall inform public employees, businesses, and the general public of hazards associated with illicit discharges and improper disposal of waste.

4.2.3.8. Co-Permittees shall promote or provide services for the collection of household hazardous waste.

4.2.3.9. Co-Permittees shall publicly list and publicize a hotline or other local telephone number for public reporting of spills and other illicit discharges. A written record must be kept of all calls received, all follow-up actions taken, and any feedback received from public education efforts.

4.2.3.9.1 The Co-Permittee shall develop a written spill/dumping response standard operating procedure (SOPs) or similar type of document and a flow chart for internal use, that shows the procedures for responding to public referrals of illicit discharges, the various responsible agencies and their contacts, and who would be involved in illicit discharge incidence response, even if it is a different entity other than the Co-Permittee. The procedure and list shall be incorporated as part of the IDDE program and incorporated into the Co-Permittee's SWMP document. The list must be maintained and updated as changes occur.

4.2.3.10. Co-Permittees shall adopt and implement procedures for program evaluation and assessment which includes maintaining a database for mapping, tracking of the number and type of spills or illicit discharges identified; and inspections conducted.

4.2.3.11. Co-Permittees shall at a minimum, ensure that all staff, contracted staff, or other responsible entities receives annual training in the IDDE program including identification, investigation, termination, cleanup, and reporting of illicit discharges including spills, improper disposal, and illicit connections. Co-Permittees shall ensure all new hires are trained immediately upon hire and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods for staffing. Co-Permittees must provide training to all field staff that as part of their normal job responsibilities might come into contact with or otherwise observe an illicit discharge or illicit connection to the MS4. Co-Permittees shall also train office personnel who might receive initial reports of illicit discharges. Training shall include how to identify a spill, an improper disposal, or an illicit connection to the MS4 and proper procedures for reporting the illicit discharge. Training records must be kept and shall include dates, activities or course descriptions, and names and positions of staff in attendance. The Permittee shall include a summary of such training in the annual report.

4.2.3.12. The Director reserves the right to request documentation or further study of a particular non-storm water discharge of concern, to require a reasonable basis for allowing the non-storm water discharge and excluding the discharge from the Co-Permittee's program, and to require inclusion of the discharge in the Co-Permittee's program, if water quality concerns cannot otherwise be reasonably satisfied.

4.2.4. Construction Site Storm Water Runoff Control

All Co-Permittees shall revise as necessary, implement and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction sites with a land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale according to the minimum performance measures listed below. Public and private projects, including projects proposed by the Co-Permittee's own departments and agencies, shall comply with these requirements. The minimum performance measures are:

4.2.4.1. Revise as necessary and enforce an ordinance or other regulatory mechanism that requires the use of erosion and sediment control practices at construction sites. The ordinance or other regulatory mechanism shall ensure compliance with all requirements set forth in the most current UPDES Storm Water General Permits for Construction Activities, which can be found at https://documents.deq.utah.gov/water-quality/permits/updes/DWQ-2017-003485.pdf. The ordinance or other regulatory mechanism shall include sanctions to ensure compliance. The ordinance or other regulatory mechanism shall apply, at a minimum, to construction projects disturbing greater than or equal to one acre and to construction projects of less than one acre that are part of a larger common plan of development or sale. Existing local requirements to apply storm water controls at sites less than 1 acre or not part of a Common Plan of Development may be retained.

4.2.4.1.1. The ordinance or other regulatory mechanism shall require construction operators to prepare a Storm Water Pollution Prevention Plan (SWPPP) and apply sediment and erosion control BMPs as necessary to protect water quality, reduce the discharge of pollutants, and control waste such as, but not limited to, discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site that may cause adverse impacts to water quality. The SWPPP requirements shall ensure compliance with all requirements set forth in the most current UPDES Storm Water General Permits for Construction Activities.

4.2.4.1.2. The ordinance or other regulatory mechanism shall include a provision for access by qualified personnel to inspect construction sites as well as storm water BMPs on private properties that discharge to the MS4.

4.2.4.1.3. Co-permittees shall ensure construction sites with a land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, obtain and maintain coverage under the current UPDES Storm Water General Permits for Construction Activities for the duration of the project. Coverage can be obtained by completing an NOI as well as renewed online at: https://secure.utah.gov/account/log-in.html.

4.2.4.2. Develop a written enforcement strategy to ensure the ordinance or other regulatory mechanism is followed which shall include:

4.2.4.2.1. Specific processes and sanctions to minimize the occurrence of violations, obtain compliance from violators which shall include appropriate, escalating enforcement procedures and actions including an appeals process that is published in a publicly accessible location.

4.2.4.2.2. Documentation and tracking of all enforcement actions.

4.2.4.3. Development and implementation of a checklist for pre-construction SWPPP review that is consistent with the requirements of the current UPDES Storm Water General Permits for Construction Activities and keep records for, at a minimum, all construction sites that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, to ensure plans are complete and in compliance with State and Local regulations. Co-

Permittees shall keep records of these projects for five years or until construction is completed, whichever is longer. Prior to construction, the Co-Permittee shall:

4.2.4.3.1 Conduct a pre-construction meeting which includes a review of the site design, the planned operations at the construction site, planned BMPs during the construction phase, the planned BMPs to be used to manage runoff created after development, as well as the Co-Permittee's enforcement policy.

4.2.4.3.2 Identify priority construction sites considering the following factors at a minimum:

- Soil erosion potential;
- Site slope;
- Project size and type;
- Sensitivity of receiving waterbodies;
- Proximity to receiving waterbodies; and,
- Non-storm water discharges and past record of non-compliance by the operators of the construction site.

4.2.4.4. All Co-Permittees shall develop and implement SOPs or similar type of documents for construction site inspection and enforcement of construction storm water pollution control measures. The procedures shall clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures. An individual or entity who prepares a SWPPP for a construction project may not perform the construction site inspections required of Part 4.2.4.4.1 and 4.2.4.4.3 on behalf of the Co-Permittee. The Co-Permittee shall have the authority to the extent authorized by law to impose sanctions to ensure compliance with the local program. These procedures and regulatory authorities shall be written and documented in the SWMP. The construction site storm water runoff control inspection program shall provide:

4.2.4.4.1 Inspections of all new construction sites with a land disturbance of greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale at least monthly by qualified personnel using the Construction Storm Water Inspection Form (Checklist) found on the Division's website at: https://deq.utah.gov/legacy/permits/water-quality/utah-pollutant-discharge-elimination-system/docs/2015/06Jun/InspectionChecklist2.pdf.

A "qualified person" is a person knowledgeable in the principles and practice of erosion and sediment controls and pollutant prevention, who possesses the skills to assess conditions at effectiveness of any storm water controls selected and installed to meet the requirements of this permit, such as but not limited to the following:

- Utah Registered Storm Water Inspector (RSI)
- Certified Professional in Erosion and Sediment Control (CPSEC)
- Certified Professional in Storm Water Quality (CPSWQ)
- Certified Erosion, Sediment, and Storm Water Inspector (CESSWI)
- Certified Inspector of Sediment and Erosion Control (CISEC)
- National Institute for Certification in Engineering Technologies, Erosion and Sediment Control, Level 3 (NICET)
- Utah Department of Transportation Erosion Control Supervisor (ECS)

4.2.4.4.2 The Co-Permittee shall inspect all phases of construction: prior to land disturbance, during active construction, and following active construction. The Co-Permittee shall include in its SWMP document a procedure for being notified by construction operators/owners of their completion of active construction so that verification of final stabilization and removal of all temporary control measures may be conducted. This procedure must be provided to the construction operator/owner before active construction begins.

4.2.4.4.3 Inspections by the MS4 of priority construction sites shall be conducted at least every two weeks using the Construction Storm Water Inspection Form (Checklist) found on the Division's website at https://deq.utah.gov/legacy/permits/water-quality/utah-pollutant-discharge-elimination-system/docs/2015/06Jun/InspectionChecklist2.pdf

4.2.4.4.4 Based on site inspection findings, the Co-Permittee shall take all necessary follow-up actions (i.e., reinspection, enforcement) to ensure compliance in accordance with the Co-Permittee's enforcement strategy. These follow-up and enforcement actions shall be tracked and documented.

4.2.4.5 The Co-Permittee shall ensure that all staff whose primary job duties are related to implementing the construction storm water program, including permitting, SWPPP review, construction site inspections, and enforcement, are annually trained to conduct these activities. The training can be conducted by the MS4 or outside training can be attended. Such training must extend to third-party inspectors and plan reviewers as well. The Co-Permittee shall ensure that all new hires are trained upon hire and before commencing storm water related duties and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing. The training records to be kept-include dates, activities or course descriptions, and names and positions of staff in attendance.

4.2.4.6 Co-Permittees shall implement a procedure to maintain records of all projects disturbing greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. Co-Permittees shall keep records which include but are not limited to, site plan reviews, SWPPPs, inspections and enforcement actions including verbal warnings, stop work orders, warning letters, notices of violation, and other enforcement records. Co-Permittees must keep records of these projects for five years or until construction is completed, whichever is longer.

4.2.5. Long-Term Storm Water Management in New Development and Redevelopment (Post-Construction Storm Water Management)

All Co-Permittees shall revise as necessary, implement and enforce a program to address post-construction storm water runoff to the MS4 from new development and redevelopment construction sites disturbing greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, according to the minimum performance measures listed below. The objective of this control measure is for the hydrology associated with new development to mirror the pre-development hydrology of the previously undeveloped site or to improve the hydrology of a redeveloped site and reduce the discharge of

storm water. The water quality considerations of this minimum control measure do not replace or substitute for water quantity or flood management requirements implemented on the local level for new developments. The water quality controls may be incorporated into the design of structures intended for flow control; or water quality control may be achieved with separate control measures. The program must apply to private and public development sites, including roads.

The minimum performance measures are:

4.2.5.1. Develop and adopt an ordinance or other regulatory mechanism that requires long-term post-construction storm water controls at new development and redevelopment sites. The ordinance or other regulatory mechanism shall apply, at a minimum, to new development and redevelopment sites that discharge to the MS4 and that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. Existing local requirements to apply storm water controls at smaller sites must be retained. The ordinance or other regulatory mechanism must require BMP selection, design, installation, operation and maintenance standards necessary to protect water quality and reduce the discharge of pollutants to the MS4.

4.2.5.2. Implement an enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism. Procedures for enforcement of BMPs include:

4.2.5.2.1 Procedures that include specific processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators which must include appropriate, escalating enforcement procedures and actions.

4.2.5.2.2 Documentation on how the requirements of the ordinance or other regulatory mechanism will protect water quality and reduce the discharge of pollutants to the MS4. Documentation must include:

- How long-term storm water BMPs were selected;
- The pollutant removal expected from the selected BMPs; and
- The technical basis which supports the performance claims for the selected BMPs.

4.2.5.3. The Co-Permittee's new development/redevelopment program must have requirements or standards to ensure that any storm water controls or management practices for new development and redevelopment will prevent or minimize impacts to water quality. BMPs must be selected that address pollutants known to be discharged or anticipated to be discharged from the site.

4.2.5.3.1 The Co-Permittee's new development/redevelopment program should include non-structural BMPs such as requirements and standards to minimize development in areas susceptible to erosion and sediment loss; to minimize the disturbance of native soils and vegetation; to preserve areas in the municipality that provide important water quality benefits; to implement measures for flood control; and to protect the integrity of natural resources and sensitive areas.

4.2.5.3.2 For new development or redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, the program shall include a process to evaluate and encourage a Low Impact Development (LID) approach which promotes the implementation of BMPs that infiltrate, evapotranspire or harvest and use storm water from the site to protect water quality. By **September 1, 2019**, the program, shall include a process which ***requires*** the evaluation of an LID approach for new development or redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. Structural controls may include green infrastructure practices such as rainwater harvesting, rain gardens, permeable pavement, and vegetated swales. If an LID approach cannot be utilized, the Co-Permittee must document an explanation of the reasons preventing this approach and the rationale *for the chosen alternative controls* on a case by case basis for each project.

Since 2010, rainwater harvesting is legal in the State of Utah. Depending on the volume of rainwater collected and stored for beneficial use, the Co-Permittee must meet the requirements of the Utah Division of Water Rights to harvest rainwater found on their website: http://waterrights.utah.gov/forms/rainwater.asp

4.2.5.3.3 The Co-Permittee must develop a plan to retrofit existing developed sites that are adversely impacting water quality. The retrofit plan must be developed to emphasize controls that infiltrate, evapotranspire or harvest and use storm water discharges. The plan shall include a ranking of control measures to determine those best suited for retrofitting as well as those that could later be considered for retrofitting. The Co-Permittee shall include the following when developing the criteria for the retrofit plan:

- Proximity to waterbody
- Status of waterbody to improve impaired waterbodies and protect unimpaired waterbodies
- Hydrologic condition of the receiving waterbody
- Proximity to sensitive ecosystem or protected area
- Any upcoming sites that could be further enhanced by retrofitting storm water controls

4.2.5.3.4 Each Co-Permittee must develop and define specific hydrologic method or methods for calculating runoff volumes and flow rates to ensure consistent sizing of structural BMPs in their jurisdiction and to facilitate plan review. By **September 1, 2019**, new development or redevelopment projects that disturb greater than or equal to one acre, including projects less than an acre that are part of a larger common plan of development or sale must manage rainfall on-site, and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 90^{th} percentile rainfall event. This objective must be accomplished by the use of practices that are designed, constructed, and maintained to infiltrate, evapotranspire and/or harvest and reuse rainwater. The 90^{th} percentile rainfall event is the event whose precipitation total is greater than or equal to 90 percent of all storm events over a given period of record. If meeting this retention standard is technically infeasible, a rationale shall be provided on a case by case basis for the use of alternative design criteria. The project must document and quantify that infiltration, evapotranspiration, and rainwater

harvesting have been used to the maximum extent technically feasible and that full employment of these controls are infeasible due to site constraints.

4.2.5.4. All Co-Permittees shall adopt and implement procedures for site plan review which incorporate consideration of water quality impacts. The procedures shall apply through the life of the project from conceptual design to project closeout. Prior to construction, Co-Permittees shall:

4.2.5.4.1 Review post construction plans for, at a minimum, all new development and redevelopment sites that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, to ensure that the plans include long-term storm water management measures that meet the requirements of this minimum control measure.

4.2.5.4.2 Co-Permittees shall provide developers and contractors with preferred design options to more effectively treat storm water for different development types such as industrial parks, retail gasoline outlets, parking lots, automotive service facilities, street and road construction, and projects located in, adjacent to, or discharging to environmentally sensitive areas.

4.2.5.4.3 Co-Permittees shall keep a representative copy of information that is provided to design professionals; and if information is distributed to a large number of design professionals at once, the dates of the mailings and lists of recipients.

4.2.5.5. All Co-Permittees shall adopt and implement SOPs or similar type of documents for site inspection and enforcement of post-construction storm water control measures. These procedures shall ensure adequate ongoing long-term operation and maintenance of approved storm water control measures.

4.2.5.5.1 The ordinance or other regulatory mechanism shall include provisions for post-construction access for Co-Permittees to inspect storm water control measures on private properties that discharge to the MS4 to ensure that adequate maintenance is being performed. The ordinance or other regulatory mechanism may, in lieu of requiring that the Co-Permittee's staff inspect and maintain storm water controls on private property, instead require private property owner/operators or qualified third parties to conduct maintenance and provide annual certification that adequate maintenance has been performed and the structural controls are operating as designed to protect water quality. In this case, the Co-Permittee must require a maintenance agreement addressing maintenance requirements for any control measures installed on site. The agreement shall allow the Co-Permittee to conduct oversight inspections of the storm water control measures and also account for transfer of responsibility in leases and/or deeds. The agreement must also allow the Co-Permittee to perform necessary maintenance or corrective actions neglected by the property owner/operator, and bill or recoup costs from the property owner/operator as needed.

4.2.5.5.2 Permanent structural BMPs shall be inspected at least once during installation by qualified personnel. Upon completion, the Co-Permittee must verify that long-term BMPs were constructed as designed.

4.2.5.5.3 Inspections and any necessary maintenance must be conducted annually by either the Co-Permittee or through a maintenance agreement, the property owner/operator. On sites where the property owner/operator is conducting maintenance, the Co-Permittee must inspect those storm water control measures at least once every five years, or more frequently as determined by the Co-Permittee to verify and ensure that adequate maintenance is being performed. The Co-Permittee must document its findings in an inspection report which includes the following:

- Inspection date;
- Name and signature of inspector;
- Project location
- Current ownership information
- A description of the condition of the storm water control measure including the quality of: vegetation and soils; inlet and outlet channels and structures; catch basins; spillways; weirs, and other control structures; and sediment and debris accumulation in storage as well as in and around inlet and outlet structures;
- Specific maintenance issues or violations found that need to be corrected by the property owner or operator along with deadlines and re-inspection dates.

4.2.5.6. Co-Permittees shall ensure that all staff involved in post-construction storm water management, planning and review, and inspections and enforcement. Training shall be provided or made available for staff in the fundamentals of long-term storm water management through the use of structural and non-structural control methods. The Co-Permittees must ensure that all new hires are trained upon hire and before commencing storm water related duties and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing.

4.2.5.7. The Co-Permittee shall maintain an inventory of all post-construction structural storm water control measures installed and implemented at new development and redeveloped sites that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. This inventory must include both public and private sector sites located within the Co-Permittee's service area.

4.2.5.7.1 Each entry to the inventory must include basic information on each project, such as project's name, owner's name and contact information, location, start/end date, etc. In addition, inventory entries shall include the following for each project:

- Short description of each storm water control measure (type, number, design or performance specifications);
- Short description of maintenance requirements (frequency of required maintenance and inspections); and
- Inspection information (date, findings, follow up activities, prioritization of follow-up activities, compliance status).

4.2.5.7.2 Based on inspections conducted pursuant to Part 4.2.5.5., the Co-Permittee must update the inventory as appropriate where changes occur in property ownership or the specific control measures implemented at the site.

4.2.6. Pollution Prevention and Good Housekeeping for Municipal Operations

All Co-Permittees must implement a program for Co-Permittee-owned or operated facilities, operations and structural storm water controls that includes standard operating procedures (SOPs), pollution prevention BMPs, storm water pollution prevention plans or similar type of documents and a training component that have the ultimate goal of preventing or reducing the runoff of pollutants to the MS4 and Waters of the State. All components of the program shall be included in the SWMP document and must identify the department (and where appropriate, the specific staff) responsible for performing each activity described in this section. The Co-Permittee shall develop an inventory of all such Co-Permittee-owned or operated facilities. The Co-Permittee must review this inventory annually and update as necessary. The minimum performance measures are:

4.2.6.1. Co-Permittees shall develop and keep current a written inventory of Co-Permittee-owned or operated facilities and storm water controls that may include but is not limited to:

- Composting facilities
- Equipment storage and maintenance facilities
- Fuel farms
- Hazardous waste disposal facilities
- Hazardous waste handling and transfer facilities
- Incinerators
- Landfills
- Landscape maintenance on municipal property
- Materials storage yards
- Pesticide storage facilities
- Public buildings, including libraries, police stations, fire stations, municipal buildings, and similar Co-Permittee-owned or operated buildings
- Public parking lots
- Public golf courses
- Public swimming pools
- Public works yards
- Recycling facilities
- Salt storage facilities
- Solid waste handling and transfer facilities
- Street repair and maintenance sites
- Vehicle storage and maintenance yards
- Co-Permittee-owned and/or maintained structural storm water controls

4.2.6.2. All Co-Permittees shall assess the written inventory of Co-Permittee-owned or operated facilities, operations and storm water controls identified in Part 4.2.6.1. for their potential to discharge to storm water the following typical urban pollutants: sediment, nutrients, metals, hydrocarbons (e.g., benzene, toluene, ethylbenzene and xylene), pesticides, chlorides, and trash. Other pollutants may be associated with, but not generated directly from, the municipally-owned or operated facilities, such as

bacteria, chlorine, organic matter, etc. Therefore, the Co-Permittee must determine additional pollutants associated with its facilities that could be found in storm water discharges. A description of the assessment process and findings shall be included in the SWMP document.

4.2.6.3. Based on the assessment required in Part 4.2.6.2., the Co-Permittee shall identify as "high-priority" those facilities or operations that have a high potential to generate storm water pollutants. Among the factors that shall be considered in giving a facility a high priority ranking is the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that shall be performed outside (e.g., changing automotive fluids), proximity to waterbodies, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s).

4.2.6.4 Within 180 days from the effective date of this Permit, the Co-Permittee shall develop and implement a SWPPP or similar type of document for each "high priority" Co-Permittee-owned or operated facility. The SWPPP shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges associated with activity from the facility. The SWPPP shall describe and ensure the implementation of SOPs that are to be used to reduce the pollutants in storm water discharges associated with activity at the facility and to ensure compliance with the terms and conditions of this Permit. This document shall be tailored and retained at all "high priority" facility locations and include: a list of those responsible for developing and implementing the plan, inventory of exposed materials, a summary of any existing sampling data, description of potential pollutant sources, spill prevention and response procedures, sediment and erosion control plan for areas with high erosion potential, and description of the selected BMPs appropriateness for the site The SWPPP shall include a site map showing the following information:

- Fixed fueling operations;
- Vehicle and equipment maintenance and/or cleaning areas;
- Brine making areas;
- Loading/unloading areas;
- Materials or waste storage or disposal areas;
- Liquid storage tanks;
- Process and equipment operating areas;
- Locations where significant spills or leaks have occurred;
- Locations of all visual storm water monitoring points;
- Locations of storm water inlets and outfalls, with a unique identification code for each outfall and an approximate outline of the areas draining to each outfall
- Locations of all non-storm water discharges;
- Locations of sources of run-on to your site from adjacent property.

4.2.6.5 The following inspections shall be conducted at "high priority" Co-Permittee-owned or operated facilities:

4.2.6.5.1 Weekly visual inspections: The Co-Permittee must perform weekly visual inspections of "high priority" facilities in accordance with the developed SOPs to minimize the

potential for pollutant discharge. The Co-Permittee must look for evidence of spills and immediately clean them up to prevent contact with precipitation or runoff. The weekly inspections shall be tracked in a log for every facility and records kept with the SWMP document. The inspection log should also include any identified deficiencies and the corrective actions taken to fix the deficiencies.

4.2.6.5.2 Quarterly comprehensive inspections: At least once per quarter, a comprehensive inspection of "high priority" facilities, including all storm water controls, must be performed, with specific attention paid to waste storage areas, dumpsters, vehicle and equipment maintenance/fueling areas, material handling areas, and similar pollutant-generating areas. The quarterly inspection results shall be documented and records kept with the SWMP document. This inspection shall be done in accordance with the developed SOPs. An inspection report shall also include any identified deficiencies and the corrective actions taken to remedy the deficiencies.

4.2.6.5.3 Quarterly visual observation of storm water discharges: At least once per quarter, the Co-Permittee shall visually observe the quality of the storm water discharges from the "high priority" facilities during the first half hour of a measurable storm (unless climate conditions preclude doing so, in which case the Co-Permittee shall attempt to evaluate the discharges four times during the wet season). Any observed problems (e.g., color, foam, sheen, turbidity) that can be associated with pollutant sources or controls shall be remedied to prevent discharge to the storm drain system. Visual observations shall be documented and records kept with the SWMP document. This inspection must be done in accordance with the developed SOPs. The inspection report must also include any identified deficiencies and the corrective actions taken to remedy the deficiencies.

4.2.6.6. SOPs shall be developed and implemented for the following types of facilities and/or activities listed below:

4.2.6.6.1 Buildings and facilities: SOPs shall address, but are not limited to: Co-Permittee-owned fire training facilities, pools, and other Co-Permittee-owned or operated buildings or utilities. The SOPs must address the use, storage and disposal of chemicals and ensure through employee training, that those responsible for handling these products understand and implement the SOPs. All Co-Permittee-owned or operated facilities must develop and ensure that spill prevention plans are in place, if applicable, and coordinate with the local fire department as necessary. The SOPs must address dumpsters and other waste management which includes, but is not limited to, cleaning, washing, painting and other maintenance activities. The Co-Permittees must include a description of schedules and SOPs for sweeping parking lots and keeping the area surrounding the facilities clean to minimize runoff of pollutants. All Co-Permittees must maintain an inventory of all floor drains inside all Co-Permittee-owned or operated buildings. The inventory shall be kept current. The Co-Permittee shall ensure that all floor drains discharge to appropriate locations.

4.2.6.6.2 Material storage areas, heavy equipment storage areas and maintenance areas. Co-Permittees shall develop and implement SOPs to protect water quality at each of these facilities owned or operated by the Co-Permittee.

4.2.6.6.3 Parks and open space. SOPs shall address, but are not limited to: the proper application, storage, and disposal of fertilizer, pesticides, and herbicides including

minimizing the use of these products and using only in accordance with manufacturer's instruction; sediment and erosion control; evaluation of lawn maintenance and landscaping activities to ensure practices are protective of water quality such as, proper disposal of lawn clippings and vegetation, and use of alternative landscaping materials such as drought tolerant plants. The SOPs must address the management of trash containers at parks and other open spaces which include scheduled cleanings and establishing a sufficient number of containers, and for placing signage in areas concerning the proper disposal of pet wastes. The SOPs must also address the proper cleaning of maintenance equipment, building exterior, trash containers and the disposal of the associated waste and wastewater. Co-Permittees must implement park and open space maintenance pollution prevention/good housekeeping practices at all park areas, and other open spaces owned or operated by the Co-Permittee.

4.2.6.6.4 Vehicle and Equipment. SOPs shall address, but are not limited to: vehicle maintenance and repair activities that occur on Co-Permittee-owned or operated vehicles. BMPs should include using drip pans and absorbents under or around leaky vehicles and equipment or storing indoors where feasible. Fueling areas for Co-Permittee-owned or operated vehicles must be evaluated. If possible, place fueling areas under cover in order to minimize exposure. The O & M program must include SOPs to ensure that vehicle wash waters are not discharged to the MS4 or Waters of the State. This Permit strictly prohibits such discharges.

4.2.6.6.5 Roads, highways, and parking lots. SOPs shall address, but are not limited to: SOPs and schedule for sweeping streets and Co-Permittee-owned or operated parking lots and any other BMPs designed to reduce road and parking lot debris and other pollutants from entering the MS4; road and parking lot maintenance, including pothole repair, pavement marking, sealing and repaving; cold weather operations, including plowing, sanding, and application of deicing compounds and maintenance of snow disposal areas; right-of-way maintenance, including mowing, herbicide and pesticide application; and municipally-sponsored events such as large outdoor festivals, parades or street fairs. The Co-Permittee must ensure that areas used for snow disposal will not result in discharges to receiving waters.

4.2.6.6.6 Storm water collection and conveyance system. SOPs shall address, but are not limited to: SOPs and schedule for the regular inspection, cleaning, and repair of catch basins, storm water conveyance pipes, ditches and irrigation canals, culverts, structural storm water controls, and structural runoff treatment and/or flow control facilities. Co-Permittees shall implement catch basin cleaning, storm water system maintenance, scheduled structural BMP inspections and maintenance, and pollution prevention/good housekeeping practices. Co-Permittees must prioritize storm sewer system maintenance, with the highest priority areas being maintained at the greatest frequency. Priorities should be driven by water quality concerns, the condition of the receiving water, the amount and type of material that typically accumulates in an area, or other location-specific factors. All Co-Permittee-owned or operated storm water structural BMPs including but not limited to, swales, retention/detention basins or other structures shall be inspected annually to ensure that they are properly maintained to reduce the discharge of pollutants into receiving waters. Co-Permittees must ensure, and document proper disposal methods of all waste and wastewater removed from the storm water conveyance system. These disposal methods apply to, but are not limited to, street sweeping and catch basin cleaning. Materials removed

from the MS4 should be dewatered in a contained area and discharged to the local sanitary sewer (with approval of local authorities) where feasible. The solid material will need to be stored and disposed of properly to avoid discharge during a storm event. Any other treatment and disposal measures shall be reviewed and approved by the Director. Some materials removed from storm drains and open channels may require special handling and disposal, and may not be authorized to be disposed of in a landfill.

4.2.6.6.7. Other facilities and operations Co-Permittees shall identify any operations not listed above that would reasonably be expected to discharge contaminated runoff, and develop, implement, and document the appropriate BMPs to protect water quality from discharges from these sites.

4.2.6.7. If a Co-Permittee contracts with a third-party to conduct municipal maintenance or allows private developments to conduct their own maintenance, the contractor shall be held to the same standards as the Co-Permittee. This expectation shall be defined in contracts between the Co-Permittee and its contractors or the contractors of private developments. The Co-Permittee shall be responsible for ensuring, through contractually-required documentation or periodic site visits that contractors are using appropriate storm water controls and following the standard operating procedures, storm water control measures, and good housekeeping practices of the Co-Permittee.

4.2.6.8. The Co-Permittee must develop and implement a process to assess the water quality impacts in the design of all new flood management structural controls that are associated with the Co-Permittee or that discharge to the MS4. This process shall include consideration of controls that can be used to minimize the impacts to site water quality and hydrology while still meeting project objectives. A description of this process shall be included in the SWMP document.4.2.6.8.1 Existing flood management structural controls shall be assessed to determine whether changes or additions should be made to improve water quality. A description of this process and determinations should be included in the SWMP document.

4.2.6.9. Co-Permittees shall ensure that all employees, contracted staff, and other responsible entities that have primary operation, or maintenance job functions that are likely to impact storm water quality receive annual training that shall address the importance of protecting water quality, the requirements of this Permit, operation and maintenance requirements, inspection procedures, ways to perform their job activities to prevent or minimize impacts to water quality, SOPs and SWPPPs for the various Co-Permittee-owned or operated facilities and procedures for reporting water quality concerns, including potential illicit discharges. Training records must be kept and shall include dates, activities or course descriptions, and names and positions of staff in attendance. Co-Permittees shall document and maintain records of the training provided and the staff in attendance. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing.

4.3. Industrial and High Risk Runoff (Phase I Co-Permittee Only)

Phase I Co-Permittee (Salt Lake County) shall continue to develop and implement an inspection and oversight program to monitor and control pollutants in storm water discharges to the MS4 from industrial facilities. Phase I regulations specify that several key elements shall be included in Phase I storm water management programs. These elements include: adequate legal authority to require compliance and inspect sites, inspection of priority industrial and commercial facilities, establishing control measure requirements for facilities that may pose a threat to water quality, and enforcing storm water requirements. The following permit requirements apply to only Phase I Co-Permittee (Salt Lake County):

4.3.1. The Phase I Co-Permittee must maintain an inventory of all industrial and commercial sites/sources within its jurisdiction (regardless of ownership) that could discharge pollutants in storm water to the MS4. The inventory shall be updated annually, at a minimum, and made available for review by the Director upon request.

4.3.1.1. The inventory must include the following minimum information for each industrial and commercial site/source:

- Name
- Address
- Physical location of storm drains and other conveyance structures receiving discharge
- Name of receiving water
- Pollutants potentially generated by the site/source
- Identification of whether the site/source is (1) tributary to an impaired water body segment (i.e., whether it is listed under Section 303(d) of the Clean Water Act) and (2) whether it generates pollutants for which the water body segment is impaired.
- A narrative description including the standard industrial classification (SIC) codes, which best reflects the principal products or services provided by each facility.

4.3.1.2. At a minimum, the following sites/sources shall be included in the inventory:

Commercial Sites/Sources:

- Automobile and other vehicle body repair or painting
- Automobile (or other vehicle) parking lots and storage facilities
- Automobile repair, maintenance, fueling, or cleaning
- Building material retailers and storage
- Cement mixing or cutting
- Eating or drinking establishments (e.g., restaurants), including food markets
- Equipment repair, maintenance, fueling, or cleaning
- Golf courses, parks and other recreational areas/facilities
- Landscaping
- Masonry
- Mobile automobile or other vehicle washing

- Mobile carpet, drape or furniture cleaning
- Nurseries and greenhouses
- Painting and coating
- Pest control services
- Pool and fountain cleaning
- Portable sanitary services
- Power washing services
- Retail or wholesale fueling

Industrial Sites/Sources

- Industrial Facilities, as defined at 40 CFR 122.26(b)(14), including those subject to the Multi Sector General Permit or individual UPDES permit
- Facilities subject to Title III of the Superfund Amendments and Reauthorization Act (SARA)
- Hazardous waste treatment, disposal, storage and recovery facilities

4.3.1.3. All other commercial or industrial sites/sources tributary to an impaired water body segment, where the site/source generates pollutants for which the water body segment is impaired.

4.3.1.4. All other commercial or industrial sites/sources that the Co-Permittee determines may contribute a significant pollutant load to the MS4 including those that the Co-Permittee may have a history of past water quality problems.

4.3.2. The Co-Permittee shall require industrial and commercial facilities listed in the inventory included in Part 4.3.1.2. to select, install, implement, and maintain storm water control measures as necessary to minimize storm water pollution.

4.3.2.1. The Co-Permittee is required to notify industrial and commercial sites of any control measure requirements pertaining to their site and their responsibility to implement and comply with the requirements.

4.3.2.2. The Co-Permittee may need to require industrial and commercial facilities that discharge into impaired waterbodies to implement additional controls as necessary to prevent the discharge of pollutants of concern.

4.3.3. The Co-Permittee shall prioritize all facilities on the basis of the potential for water quality impact using criteria such as pollutant sources on site, pollutants of concern, proximity to a water body, and violation history of the facility.

4.3.3.1. The Co-Permittee shall describe in its SWMP document the process for prioritizing facilities.

4.3.4. The Co-Permittee is required to conduct inspections of all industrial and commercial facilities at least once during this Permit term with the highest priority facilities receiving more frequent inspections.

4.3.4.1. For facilities with no exposure of commercial or industrial activities to storm water, no inspections are required. However, the Co-Permittee shall continue to track these facilities for significant change in the exposure of their operations to storm water.

4.3.4.2. All industrial and commercial facility inspections shall at a minimum:

- Evaluate the facility's compliance with this permit's Part 4.3.2. requirement to select, design, install, and implement storm water control measures;
- Conduct a visual observation for evidence of unauthorized discharges, illicit connections, and potential discharge of pollutants to storm water;
- Verify whether the facility is required to be authorized under the UPDES Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activities and whether the facility has in fact obtained such permit coverage;
- Evaluate the facility's compliance with any other relevant local storm water requirements;

4.3.4.3. At a minimum, the Co-Permittee shall document the following for each inspection:

- The inspection date and time;
- The name(s) and signature(s) of the inspectors;
- Weather information and a description of any discharges occurring at the time of the inspection;
- Any previously unidentified discharges of pollutants from the site;
- Any control measures needing maintenance or repairs;
- Any failed control measures that need replacement;
- Any incidents of noncompliance observed; and
- Any additional control measures needed to comply with this permit's requirements.

4.3.4.4. Inspection findings must be tracked to ensure inspections are conducted at a frequency consistent with the prioritization process required in Part 4.3.3.1.

4.3.5. The Co-Permittee must ensure that all necessary follow up inspections and enforcement activities are conducted as necessary to require implementation and maintenance of all storm water control measures.

4.3.6. The Co-Permittee must ensure that all staff whose primary job duties are implementing the industrial storm water program are trained annually, at a minimum, to conduct facility inspections. All new hires must be trained immediately upon hire. The training must cover what is required under this permit in terms of storm water control measures, the requirements of the Multi-Sector General Permit for Discharges Associated with Industrial Activities or other related local requirements, the Co-Permittee's site inspection and documentation protocols, and enforcement procedures. Co-Permittees shall document and maintain records of the training provided and the staff the staff in attendance.

4.4. Sharing Responsibility

4.4.1. Implementation of one or more of the six minimum measures may be shared with another entity, or the entity may fully take over the measure. A Co-Permittee may rely on another entity only if:

4.4.2. The other entity, in fact, implements the control measure;

4.4.3. The particular control measure, or component of that measure, is at least as stringent as the corresponding Permit requirement; and

4.4.4. The other entity agrees to implement the control measure through a written agreement. This obligation shall be maintained as part of the description given in the Co-Permittee's SWMP document. If the other entity agrees to report on the minimum control measure, the Co-Permittee must supply the other entity with the reporting requirements contained in Part 5.6. of this Permit. If the other entity fails to implement the control measure, then the Co-Permittee remains liable for any discharges due to that failure to implement.

4.5. Reviewing and Updating Storm Water Management Programs

4.5.1. Storm Water Management Program Review: All Co-Permittees must conduct, at a minimum, an annual review of the SWMP document in conjunction with preparation of the annual report required in Part 5.6.

4.5.2. *Storm Water Management Program Update:* A Co-Permittee may change the SWMP document during the life of the Permit in accordance with the following procedures:

4.5.1.2.2. Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP document may be made at any time upon written notification to the Director.

4.5.1.3. Changes replacing an ineffective or unfeasible BMP specifically identified in the SWMP document with an alternative BMP may be adopted at any time, provided the analysis is clearly outlined and subsequently approved by the Director. An analysis should include:

4.5.1.4. For Phase I Co-Permittee, Salt Lake County, a review of monitoring data, any changes in monitoring methods and parameters, considerations for how to change monitoring to improve information gathered from data, considerations about what kind of information is most useful for assessing storm water, and another look at what or how assessments can be made to track water quality as impacted by storm water.

4.5.2.. Changes replacing an ineffective or unfeasible BMP specifically identified in the SWMP document with an alternate BMP may be adopted at any time, provided the analysis is clearly outlined and subsequently approved by the Director. An analysis must include:

4.5.2.1 An explanation of why the BMP is ineffective or infeasible,

4.5.2.2. Expectations or report on the effectiveness of the replacement BMP, and

4.5.2.2.3 An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced, or has achieved those goals.

4.5.3. Change requests or notifications must be made in writing and signed in accordance with Part 6.8.

4.5.4. Change requests or notifications will receive confirmation and approval or denial in writing from the Director.

4.5.5. Storm Water Management Program Updates required by the Director: The Director may require changes to the SWMP as needed to:

4.5.5.1. Address impacts on receiving water quality caused, or contributed to, by discharges from the MS4;

4.5.5.2. Include more stringent requirements necessary to comply with new Federal regulatory requirements; or

4.5.5.3. Include such other conditions deemed necessary by the Director to comply with the goals and requirements of the Clean Water Act.

5.0 Narrative Standard, Monitoring, Recordkeeping and Reporting

5.1. Narrative Standard

It shall be unlawful, and a violation of this Permit, for the Co-Permittee to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste, or conditions which produce undesirable aquatic life or which produces objectionable tastes in edible aquatic organisms; or concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures.

5.2. General Monitoring and Sampling Requirements

5.2.1. **Wet Weather Monitoring**: Co-Permittees with jurisdictions within Phase I areas must implement a wet weather monitoring program that is appended to this Permit in Appendix III as required by the *Director*. The program may be modified provided the modification (s) meets the requirements of this section and Part 1.6.4. The Co-Permittee must meet the objectives of the monitoring program as listed below:

5.2.1.1. Assess storm water impacts to in-stream water quality, hydrology, geomorphology, habitat, and biology;

5.2.1.2. Provide data to estimate annual cumulative pollutant loadings from the MS4;

5.2.1.3. Estimate event mean concentrations and pollutants in discharges from major outfalls;

5.2.1.4. Identify and prioritize portions of the MS4 requiring additional controls, and;

5.2.1.5. Identify water quality improvements or degradation.

5.2.2. Phase I Co-Permittee, Salt Lake County, must select monitoring locations as needed to best characterize the purpose of the objective listed above and be representative of the area covered by the Permit and be within the Co-Permittee's jurisdiction.

5.2.2.1. If required, the latest version of Salt Lake County's *Sampling Plan for Representative Storm Monitoring ("the sampling plan")* must be placed in Appendix III within 90 days of issuance of this Permit. The *Sampling Plan for Representative Storm Monitoring* must attempt to address monitoring of a representative storm for the area.

5.2.2.2. Phase I Co-Permittee, Salt Lake County, may modify the sampling plan and submit the modified plan for approval by the *Director*. All modifications to the sampling plan must be approved by the *Director*.

5.2.2.3. The minimum monitoring to be conducted each year must be a planned wet weather monitoring frequency of twice a year, subject to the occurrence of appropriate storm events. If the Co-Permittee is not able to accomplish the planned monitoring frequency the Co-Permittee must submit detailed reasons and weather data showing why it was not possible.

5.2.2. **Dry Weather Screening:** Phase I Co-Permittee, Salt Lake County, must continue its dry weather screening efforts and include the latest version of its *Sampling Plan for Dry Weather Screening* in Appendix III and submitted to the *Director* within 90 days of issuance of this Permit.

5.2.2.1. The *Sampling Plan for Dry Weather Screening* must include the screening methodology used for screening all outfalls of the MS4 at least once during the permit term. The inventory of outfalls and associated maps must be kept current. Phase I Co-Permittee, Salt Lake County, must also comply with the requirements of Part 4.2.3.3.2 of this Permit and address priority areas identified in Part 4.2.3.3.1 to detect illicit discharges within one year of receiving coverage from this Permit, and field assessing an additional 20 percent of the identified high priority waters of the State or other high priority area each year thereafter.

5.2.3. Phase I Co-Permittee, Salt Lake County, must at a minimum, annually train all staff involved with Wet Weather Monitoring and Dry Weather Screening. The Co-Permittee must document and maintain records of the training provided and the staff in attendance.

5.3. Analytical Monitoring

Phase II Co-Permittees are not required to conduct analytical monitoring (see definition in Part 7.3) during the effective term of this Permit, with the following exceptions:

5.3.1. Water quality sampling may be required for compliance with TMDLs, pursuant to Part 3.1. of this Permit.

5.3.2. Sampling or testing may be required for characterizing illicit discharges pursuant to Parts 4.2.3.4., 4.2.3.5., and 4.2.3.5.1 of this Permit.

5.3.3. In the event that the Phase II MS4 elects to conduct analytical monitoring as part of its Storm Water Management Program, the Co-Permittee is required to comply with Part 6.18. of this Permit.

5.4. Non-analytical Monitoring

5.4.1. Non-analytical monitoring (see definition in Part 7.32.) such as visual dry weather screening is required to comply with Part 4.2.3.3.2 of this Permit.

5.5. Record keeping

5.5.1. Co-Permittees must keep all supplementary documents associated with this Permit (e.g., Storm Water Management Program (SWMP) document, SWMP Implementation Schedule) current and up to date to achieve the purpose and objectives of the required document.

5.5.2. All modifications to supplementary documents must be submitted to the *Director* in accordance with Parts 4.5. and 6.8.

5.5.3. The *Director* may at any time make a written determination that parts or all of the supplementary documents are not in compliance with this Permit, wherein the Co-Permittee shall make modifications to these parts within a time frame specified by the *Director*.

5.5.4. The Co-Permittee must retain all required plans, records of all programs, records of all monitoring information, copies of all reports required by this Permit, and records of all other data required by or used to demonstrate compliance with this Permit, for at least five years from the date of the record. This period may be explicitly modified by alternative provisions of this Permit or extended by request of the *Director* at any time.

5.5.5. The Co-Permittee must make records, including the Notice of Intent (NOI) and the SWMP document, available to the public if requested.

5.6. Reporting

5.6.1. Each Co-Permittee must submit an annual report to the Director by October 1 for the reporting period of July 1 to June 30 of each year of the Permit term.

5.6.2 The report must be submitted using the report form provided on the *Division's* website at: https://deq.utah.gov/legacy/permits/water-quality/utah-pollutant-discharge-elimination-system/docs/2009/07Jul/MS4_UT_09_annual_report_form.pdf

5.6.2.1. The Phase I Co-Permittee, Salt Lake County must submit a summary of five years of wet weather monitoring and assess trends and make conclusions (This timeframe takes into account the previous Permit conditions and reporting requirements, some of the data was required by the previous Permit term).

5.6.3. Each Co-Permittee must sign and certify the annual report in accordance with Part 6.8.

5.6.4. Signed copies of the annual report and all other reports required herein, must be submitted directly to the DWQ electronic document system at: https://deq.utah.gov/water-quality/water-quality-electronic-submissions

5.7. Legal Authority

Each Co-Permittee must insure legal authority exists to control discharges to and from those portions the MS4 over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, Permit, contract, order or inter-jurisdictional agreements with co-applicants with existing legal authority to:

5.7.1. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity (including construction activity);

5.7.2. Effectively prohibit illicit and non-storm water discharges through ordinance, or other regulatory mechanism, into the MS4 and must be able to implement appropriate enforcement procedures and actions;

5.7.3. Control the discharge of spills and the dumping or disposal of materials other than storm water into the MS4;

5.7.4. Control through interagency agreements among Co-Permittees the contribution of pollutants from one portion of the MS4 to another;

5.7.5. Require compliance with conditions in ordinances, permits, contract or orders; and

5.7.6. Conduct all inspection, surveillance and monitoring activities and procedures necessary to determine compliance with conditions in this Permit.

6.0 Standard Permit Conditions

6.1. Duty to Comply

The Permittee must comply with all conditions of this Permit. Any Permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or for denial of a Permit renewal application. The Permittee shall give advance notice to the Director of any planned changes in the Permitted facility or activity, which may result in noncompliance with Permit requirements.

6.2. Penalties for Violations of Permit Conditions

The *Act* provides that any person who violates a Permit condition implementing provisions of the *Act* is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates Permit conditions or the Act is subject to a fine not exceeding $25,000 per day of violation. Any person convicted under *UCA 19-5-115(2)* a second time shall be punished by a fine not exceeding $50,000 per day.

6.3. Duty to Reapply

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee must apply for and obtain a new Permit. The application must be submitted at least **180 days** before the expiration date of this Permit. Continuation of expiring Permits must be governed by regulations promulgated at *UAC R317-8-5* and any subsequent amendments.

6.4. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the Permitted activity in order to maintain compliance with the conditions of this Permit.

6.5. Duty to Mitigate

The Permittee must take all reasonable steps to minimize or prevent any discharge in violation of this Permit, which has a reasonable likelihood of adversely affecting human health or the environment.

6.6. Duty to Provide Information

The Permittee must furnish to the Director, within a time specified by the Director, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by this Permit.

6.7. Other Information

When the Permittee becomes aware that it failed to submit any relevant facts in a Permit application, or submitted incorrect information in a Permit application or any report to the Director, it shall promptly submit such facts or information.

6.8. Signatory Requirements

All notices of intent, storm water management programs, storm water pollution prevention plans, reports, certifications or information either submitted to the *Director* or that this Permit requires to be maintained by the Permittee, shall be signed, dated and certified as follows:

6.8.1. All Permit applications must be signed by either a principal executive officer or ranking elected official.

6.8.2. All reports required by the Permit and other information requested by the Director must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

6.8.2.1. The authorization is made in writing by a person described above and submitted to the Director, and,

6.8.2.2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

6.8.2.3. Changes to authorization. If an authorization under *Part 6.8.2.* is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of *Part 6.8.2.* must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

6.8.3. *Certification.* Any person signing documents under this Part must make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

6.9 Availability of Reports

Except for data determined to be confidential under the Government Records Access and Management Act (*see* particularly Utah Code Ann. § 63-2-309) and Utah Code Ann. § 19-1-3-6,

all reports prepared in accordance with the terms of this Permit must be available for public inspection at the office of the Division. As required by the *Act*, Permit applications, Permits and effluent data shall not be considered confidential.

6.10. Penalties for Falsification of Reports

The *Act* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than $10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both. Utah Code Ann. § 19-5-115(4)

6.11. Penalties for Tampering

The *Act* provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this Permit must, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

6.12. Oil and Hazardous Substance Liability

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under the "*Act*".

6.13. Property Rights

The issuance of this Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or Local laws or regulations.

6.14. Severability

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit shall not be affected thereby.

6.15. Requiring a Different Permit

The *Director* may require the Permittee authorized by this Permit to obtain an individual *UPDES* Permit. Any interested person may petition the *Director* to take action under this paragraph. The *Director* may require the Permittee authorized to discharge under this Permit to apply for an individual *UPDES* Permit only if the Permittee has been notified in writing that a Permit application is required. This notice must include a brief statement of the reasons for this decision, an application form (as necessary), a statement setting a deadline for the Permittee to file the application, and a statement that on the effective date of the municipal *UPDES* Permit, coverage under this Permit shall automatically terminate. Permit applications must be submitted to the address of the *Division of Water Quality* shown in *Part 5.5.* of this Permit. The *Director* may grant additional time to submit the application upon request of the applicant. If the municipality fails to submit in a timely manner a municipal *UPDES* Permit application as required by the *Director*, then the applicability of this Permit to the Permittee is automatically terminated at the end of the day specified for application submittal.

6.16. State/Federal Laws

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by *UCA 19-5-117* and *Section 510* of the *Clean Water Act* or any applicable Federal or State transportation regulations, such as but not limited to the Department of Transportation regulations.

6.17. Proper Operation and Maintenance

The Permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit and with the requirements of the SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by the Permittee only when necessary to achieve compliance with the conditions of the Permit.

6.18. Monitoring and Records

6.18.1. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

6.18.2. The Permittee must retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of the *Director* at any time.

6.18.3. Records of monitoring information must include:

6.18.3.1 The date, exact place, and time of sampling or measurements;

6.18.3.2 The name(s) of the individual(s) who performed the sampling or measurements;

6.18.3.3 The date(s) and time(s) analyses were performed;

6.18.3.4 The name(s) of the individual(s) who performed the analyses;

6.18.3.5 The analytical techniques or methods used; and

6.18.3.6 The results of such analyses.

6.19. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10*, unless other test procedures have been specified in this Permit.

6.20. Inspection and Entry

The Permittee shall allow the *Director* or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

6.20.1. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this Permit;

6.20.2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this Permit; and

6.20.3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

6.20.4. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by law, any substances or parameters at any location.

6.21. Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a Permit modification, revocation and re-issuance, or termination, or

a notification of planned changes or anticipated noncompliance does not stay any Permit condition.

6.22. Storm Water-Reopener Provision

At any time during the duration (life) of this Permit, this Permit may be reopened and modified (following proper administrative procedures) as per *UAC R317.8*, to include, any applicable storm water provisions and requirements, a storm water pollution prevention plan, a compliance schedule, a compliance date, monitoring and/or reporting requirements, or any other conditions related to the control of storm water discharges to waters of the State.

7.0 Definitions

Definitions related to this Permit and small municipal separate storm sewers (MS4s).

7.1. "40 CFR" refers to Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government.

7.2. "Act" means the *Utah Water Quality Act*.

7.3. "Analytical monitoring" refers to monitoring of waterbodies (streams, ponds, lakes, etc.) or of storm water, according to UAC R317-2-10 and 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants," or to State or Federally established protocols for biomonitoring or stream bioassessments.

7.4. "Beneficial Uses" means uses of the Waters of the State, which include but are not limited to: domestic, agricultural, industrial, recreational, and other legitimate beneficial uses.

7.5. "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of Waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

7.6. "CWA" means *The Clean Water Act of 1987*, formerly referred to as the Federal Water Pollution Control Act.

7.7. "Co-Permittee" means any operator of a regulated Small MS4 that is applying jointly with another applicant for coverage under this Permit. A Co-Permittee owns or operates a regulated Small MS4 located within or adjacent to another regulated MS4. A Co- Permittee is only responsible for complying with the conditions of this Permit relating to discharges from the MS4 the Co-Permittee owns or operates. See also 40 CFR 122.26(b)(1).

7.8. "Control Measure" refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to Waters of the State.

7.9. "Common plan of development or sale" means one plan for development or sale, separate parts of which are related by any announcement, piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, plat, blueprint, contract, Permit application, zoning request, computer design, etc.), physical demarcation (including contracts) that identify the scope of the project. A plan may still be a common plan of development or sale even if it is taking place in separate stages or phases, is planned in combination with other construction activities, or is implemented by different owners or operators.

7.10. "Director" means the director of the Utah Division of Water Quality, otherwise known as the Executive Secretary of the Utah Water Quality Board.

7.11. "Division" means the Utah Division of Water Quality.

7.12. "Discharge" for the purpose of this Permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).

7.13. "Dry weather screening" is monitoring done in the absence of storm events to discharges representing, as much as possible, the entire storm drainage system for the purpose of obtaining information about illicit connections and improper dumping.

7.14. "Escalating enforcement procedures" refers to a variety of enforcement actions in order to apply as necessary for the severity of the violation and/or the recalcitrance of the violator.

7.15. "Entity" means a governmental body or a public or private organization.

7.16. "EPA" means the United States Environmental Protection Agency.

7.17. "General Permit" means a Permit which covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual Permits being issued to each discharger.

7.18. "Ground water" means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

7.19. "High quality waters" means any water, where, for a particular pollutant or pollutant parameter, the water quality exceeds that quality necessary to support the existing or designated uses, or which supports an exceptional use.

7.20. "Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

7.21. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a UPDES Permit (other than the UPDES Permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.

7.22. "Impaired waters" means any segment of surface waters that has been identified by the Director as failing to support classified uses. The Division periodically compiles a list of such waters known as the 303(d) List.

7.23. "Indian Country" is defined as in 40 CFR §122.2 to mean:

7.23.1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;

7.23.2. All dependent Indian communities within the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and

7.23.3. All Indian allotments, the Indian titles to which have not been extinguished, including right-of-ways running through the same.

7.24. "Large MS4" *Large municipal separate storm sewer system* means all municipal separate storm sewers that are located in an incorporated place with a population of 250,000 or more as determined by the current Decennial Census by the Bureau of the Census.

7.25. "Low Impact Development" (LID) is an approach to land development (or re-development) that works with nature to more closely mimic pre-development hydrologic functions. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

7.26. "MS4" is an acronym for "municipal separate storm sewer system".

7.27. "Maximum Extent Practicable" (MEP) is the technology-based discharge standard for Municipal Separate Storm Sewer Systems established by paragraph 402(p)(3)(B)(iii) of the Federal Clean Water Act (CWA), which reads as follows: "Permits for discharges from municipal storm sewers shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system, design, and engineering methods, and other such provisions as the Administrator or the State determines appropriate for the control of such pollutants."

7.28. "Medium MS4" *Medium municipal separate storm sewer system* means all municipal separate storm sewers that are located in an incorporated place with a population of 100,000 or more but less than 250,000, as determined by the 1990 Decennial Census by the Bureau of the Census

7.29. "Monitoring" refers to tracking or measuring activities, progress, results, etc.;

7.30. "Municipal separate storm sewer system" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) pursuant to paragraphs R317-8-1.6(4), (7), & (14), or designated under UAC R317-8-3.9(1)(a)5:

7.30.1. that is owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to Waters of the State;

7.30.2. that is designed or used for collecting or conveying storm water;

7.30.3. which is not a combined sewer; and

7.30.4. which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2.

7.31. "NOI" is an acronym for "Notice of Intent" to be covered by this Permit and is the mechanism used to "register" for coverage under a general Permit.

7.32. "Non-analytical monitoring" refers to monitoring for pollutants by means other than UAC R317-2-10 and 40 CFR 136, such as visually or by qualitative tools that provide comparative or rough estimates.

7.33. "Operator" is the person or entity responsible for the operation and maintenance of the MS4.

7.34. "Outfall" means a point source as defined by UAC R317-8-1.5(34) at the point where a municipal separate storm sewer discharges to Waters of the State and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other Waters of the State and are used to convey waters of the State.

7.35. "Phase II areas" means areas regulated under UPDES storm water regulations encompassed by Small MS4's (see definition 7.39.).

7.36. "Priority construction site" means a construction site that has potential to threaten water quality when considering the following factors: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-storm water discharges and past record of non-compliance by the operators of the construction site.

7.37. "Redevelopment" is the replacement or improvement of impervious surfaces on a developed site.

7.38. "Runoff" is water that travels across the land surface, or laterally through the ground near the land surface, and discharges to waters of the State either directly or through a collection and conveyance system. Runoff includes storm water and water from other sources that travels across the land surface.

7.39. "SWMP" is an acronym for storm water management program. The SWMP document is the written plan that is used to describe the various control measures and activities the Permittee will undertake to implement the storm water management plan.

7.40. "SWPPP" is an acronym for storm water pollution prevention plan.

7.41. "Small municipal separate storm sewer system" is any MS4 not already covered by the Phase I program as a medium or large MS4. The Phase II Rule automatically covers on a nationwide basis all Small MS4s located in "urbanized areas" (UAs) as defined by the Bureau of the Census (unless waived by the UPDES Permitting authority), and on a case-by-case basis those Small MS4s located outside of UAs that the UPDES Permitting authority designates.

7.41.1. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

7.42. "SOP" is an acronym for standard operating procedure which is a set of written instructions that document a routine or repetitive activity. For the purpose of this Permit, SOPs should emphasize pollution control measures to protect water quality with details specific to the location.

7.43. "Storm water" means storm water runoff, snowmelt runoff, and surface runoff and drainage.

7.44. "Storm water management program" means a set of measurable goals, actions, and activities designed to reduce the discharge of pollutants from the Small MS4 to the maximum extent practicable and to protect water quality.

7.45. "TMDL" is an acronym for "Total Maximum Daily Load" and in this Permit refers to a study that: 1) quantifies the amount of a pollutant in a stream; 2) identifies the sources of the pollutant; and 3) recommends regulatory or other actions that may need to be taken in order for the impaired waterbody to meet water quality standards.

7.46. "Urbanized area" is a land area comprising one or more places and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile.

7.47. "Waters of the State" means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private which are contained within, flow through, or border upon this state or any portion thereof, except bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife which shall not be considered to be "Waters of the State" under this definition ("UAC" R317-1-1).

FACT SHEET STATEMENT OF BASIS

JORDAN VALLEY MUNICIPALITIES STORM WATER PERMIT

UPDES PERMIT NUMBER UTS000001

PERMIT RENEWAL

1.0. Introduction

The Federal Clean Water Act requires that storm water discharges from certain types of facilities be authorized under storm water discharge Permits. (See 40 CFR 122.26.) The goal of the storm water Permits program is to reduce the amount of pollutants entering streams, lakes and rivers as a result of runoff from residential, commercial and industrial areas. The original 1990 regulation (**Phase I**) covered municipal (i.e., publicly-owned) storm sewer systems for municipalities over 100,000 population. The regulation was expanded in 1999 to include smaller municipalities as well. This expansion of the program to include small MS4s is referred to as **Phase II**. This Permit serves as a re-issuance or replacement of the previous Jordan Valley Municipalities Permit UTS000001, issued September 5, 2013. According to EPA guidance, each Co-Permittee's original designation of Small or Medium-sized MS4 will remain the same for the renewed permit and associated permit cycle regardless of any increase or decrease in population. This Permit covers new or existing discharges composed entirely of storm water from both Phase I and Phase II Co-Permittees within Greater Salt Lake County.

2.0. Background

The State of Utah was granted primacy in the National Pollutant Discharge Elimination System (NPDES) program by USEPA in 1987. In Utah, storm water discharge Permits are issued by the Utah Department of Environmental Quality, Division of Water Quality (the "Division"). Utah's program is known as the Utah Pollutant Discharge Elimination System (UPDES) Program. The narrative requirements of this Permit are intended to reduce the discharge of pollutants to the maximum extent practicable (MEP) and meet water quality standards through the development and implementation of a Storm Water Management Program (SWMP).
Both Phase I and Phase II Co-Permittees are required to develop and implement a SWMP which involves implementation of a variety of Best Management Practices (BMPs) to reduce the discharge of pollutants from the MS4. MEP is the standard that establishes the level of pollutant reductions that operators of regulated MS4s must achieve through implementation of BMPs included in their SWMPs. There are no numeric effluent limitations included in this Permit. Storm Water Management Program requirements are the controls used in place of numeric limits to achieve a reduction of pollutants in the storm water discharge from small MS4s. A SWMP is comprised of six minimum control measures that must be developed and implemented. These measures include:

1) Public Education and Outreach
2) Public Involvement/Participation
3) Illicit Discharge Detection and Elimination
4) Construction Site Storm Water Runoff Control

5) Long-Term Storm Water Management in New Development and Redevelopment (Post-Construction Storm Water Management)
6) Pollution Prevention and Good Housekeeping for Municipal Operations

The Co-Permittees must develop a SWMP that meets the requirements of the six minimum measures and protects state waters from pollution, contamination, and/or degradation. The Permit allows the MS4 flexibility to determine appropriate BMPs to satisfy each of the six minimum control measures. The BMPs employed to reduce pollutants to the MEP may be different for each small MS4 given the unique local concerns that may exist and the different possible pollutant control strategies. The Division may evaluate the Co-Permittees' proposed storm water BMPs to determine if they meet the requirements of this Permit and if a reduction to the MEP can be achieved. Evaluation of the effectiveness of a SWMP and application of the MEP standard should be an iterative process. The standard of MEP and the necessary modifications to the SWMP should continually adapt to current conditions and BMP effectiveness. The Co-Permittee must continually assess the effectiveness of the current BMPs and expand or better tailor the BMPs to comply with this Permit and protect water quality, and to satisfy the appropriate water quality requirements of the *Utah Water Quality Act*.

3.0. Changes in the Jordan Valley Municipalities Permit

Application and Storm Water Management Program

This Permit serves as both a renewal Permit for those covered under the previous Permit as well as provides coverage for New Applicants. **Renewal Co-Permittees** should have fully implemented SWMPs that reflect the permit requirements of the previous permit cycle. An exception to this is given for Co-Permittees that were designated during the previous Permit term who have 5 years form the date of their submitted NOI to develop, fully implement and enforce their SWMP. Renewal Co-Permittees must continue to implement their SWMP developed in accordance with the Previous Jordan Valley Municipalities Permit, while updating their SWMP document pursuant to the renewed permit. New applicants are given the full Permit term to implement a SWMP except where specific deadlines are indicated.

New Applicants will have **180 days** from Division notification to submit a Notice of Intent (NOI) in accordance with Part 2.2. of this Permit and a Storm Water Management Program (SWMP) whereas Renewal Co-Permittees will have **120 days** from the effective date of this Permit to submit an updated SWMP in accordance with Part 2.3. of this Permit.

Significant changes and clarifications are listed below:

Permit Area and Eligibility

Permit Part 1.2.1.1 describes the Phase I Co-Permittee as all areas within unincorporated Salt Lake County not owned or operated by the Greater Salt Lake Municipal Service District (MSD).

Millcreek City and the MSD have been added to Permit Part 1.2.1.2.

Permit Part 1.2.2.2. Non-storm water discharges, has added the clarification that discharges from emergency firefighting activity is an allowable discharge to the MS4; this does not include equipment testing, drills and exercises.

Limitations on Coverage

Reference to the Endangered Species Act has been removed from the Permit.

Threatened or Endangered Species and Historic Properties

Reference to threatened or endangered species or historic properties has been removed from the Permit.

Nitrogen and Phosphorus Reduction

The significant increase in recent years of nitrogen and phosphorus in water bodies across the country has intensified water quality problems. Too much nitrogen and phosphorus can cause serious water quality problems. Nutrient pollution impairs drinking water, endangers aquatic life and threatens the recreational use of Utah's streams, rivers, and lakes.

The Division of Water Quality (DWQ) is currently at work on a nutrient reduction plan tailored to the unique needs of Utah waters. DWQ has already identified numerous watersheds in the state that are affected by high nutrient levels. In an effort to reverse this disturbing trend, DWQ, in partnership with a comprehensive team of key stakeholders, established a working group to develop acceptable benchmarks for nitrogen and phosphorus and develop nutrient reduction programs to reduce nutrient loads entering the state's waters.

As part of Utah's adaptive management approach, site-specific strategies that account for the differences in water bodies and their sources of nutrient pollution must be addressed. Therefore, Co-Permittees must incorporate specific measurable goals regarding the need to reduce nutrients in storm water. Compliance with this requirement can be achieved by determining sources that are contributing to, or have the potential to contribute, nutrients to the waters receiving the MS4 discharge authorized under this Permit. Co-Permittees must then prioritize these targeted sources and distribute educational materials or equivalent outreach accordingly. More information on the rulemaking efforts for nutrients in Utah's waters can be found at:
https://deq.utah.gov/legacy/pollutants/n/nutrients/index.htm

Public Education and Outreach on Storm Water Impacts

Permit Part 4.2.1. lists 4 audiences that documented education and outreach efforts must address. The second audience has been changed from businesses, institutions, and commercial facilities to institutions, industrial and commercial facilities. The fourth audience has been changed from MS4 industrial facilities to MS4-owned or operated facilities.

A frequency of action has been added to Permit Part 4.2.1.3. Upon the effective date of this permit, Co-Permittees must provide and document information given to institutions, industrial,

and commercial facilities on an annual basis of the Co-Permittee's prohibition against and the water quality impacts associated with illicit discharges and improper disposal of waste.

Although there is little change in this minimum control measure since the last Permit term, the Division wishes to clarify that "outreach" is active and requires contact by the Co-Permittee and an exchange of education and information. Making information only available on a website without further action or outreach is passive education and does not adequately meet the intent of the Permit requirements. The Division expects that the Co-Permittee will actively "reach out" to targeted audiences and targeted sources and provide information and education. The Division encourages and recommends that Co-Permittees collaborate on the nutrient-related requirements in this renewal Permit as well as other targeted audiences and pollutants.

Co-Permittees must include written documentation or rationale as to why particular BMPs were chosen for its public education and outreach program as well as thorough documentation of all activities, frequency of activity, and content of public education and outreach deliverables.

Public Involvement/Participation

If a Co-Permittee maintains a website, a current version of the SWMP document must be posted on the website within 120 days from the effective date of this Permit (Permit Part 4.2.2.3.). The online SWMP document must be updated as needed (according to Permit Part 4.4.) and shall remain on the website for the entire Permit term. In order for the public to review and provide input for the life of the Permit, the online SWMP document must indicate a contact person and phone number or email address in which to provide input or pose questions (Permit Part 4.2.2.3.).

Illicit Discharge Detection and Elimination

Upon the effective date of this permit, the separate requirements regarding dry weather screening and priority areas inspections have been separated into two distinct Permit citations (Permit Parts 4.2.3.3.2 and 4.2.3.3.3) to provide clarification and address confusion as stated below.

The inspection frequency for priority areas has changed to annually at a minimum (Permit Part 4.2.3.3.2).

A frequency of dry weather screening has been added. All outfalls must be inspected at least once every 5 years (Permit Part 4.2.3.3.3).

The Division has added the requirement that the Co-Permittee notify the Division of dischargers to the MS4 that need a separate UPDES Permit such as an Industrial Storm Water Permit or Construction Dewatering Permit (Permit Part 4.2.3.3.4).

The Division includes the wording "Co-Permittees shall ensure that all staff, contracted staff, or other responsible entities receive training about the IDDE program…" in Permit Part 4.2.3.11. The wording has changed to clarify that providing one training opportunity for all staff to attend does not necessarily meet the training requirements of the Permit. Co-Permittees must ensure through tracking of attendance that all staff has received annual training. If some staff were unable to attend the yearly training that was offered, it is the Co-Permittee's responsibility to offer another form of training to meet this Permit requirement. Although online training and

certification is not specifically required by this Permit, this is one option to ensure that all staff receives the necessary training that is required throughout this Permit. A requirement to ensure that new hires are trained immediately has also been added to Permit Part 4.2.3.11.

Construction Site Storm Water Runoff Control

Permit Part 4.2.4.1.3 has clarified the requirement that it is part of the Co-Permittee's role to ensure that construction operators obtain and maintain coverage under the current UPDES Storm Water General Permits for Construction Activities for the duration of the project.

Permit Part 4.2.4.2.1 has added an appeals process as part of the procedures to ensure compliance to be posted in a publicly available location. An appeals process will allow a construction operator to appeal an enforcement option.

Permit Part 4.2.4.3. 2 has clarified the factors for determining a priority construction site.

Permit Part 4.2.4.3.1 has changed a pre-construction SWPPP review requirement changed to a pre-construction meeting requirement

Permit Part 4.2.4.4.1 prohibits an individual or entity who prepares a SWPPP for a construction project from performing construction site inspections on behalf of a Co-Permittee on that site.

Permit Part 4.2.4.4. has added the requirements for qualified Co-Permittee storm water inspectors.

Permit Part 4.2.4.5. has added language that requires the Co-Permittee to ensure annual training of staff as well as the immediate training of new hires prior to commencing storm water related duties.

Long-Term Storm Water Management in New Development and Redevelopment (Post-Construction Storm Water Management)

Permit Part 4.2.5.3.2 ***requires*** the evaluation of an LID approach by **September 1, 2019** for new development or redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. Structural controls may include green infrastructure practices such as rainwater harvesting, rain gardens, permeable pavement, and vegetated swales. If an LID approach cannot be utilized, the Co-Permittee must document an explanation of the reasons preventing this approach and the rationale *for the chosen alternative controls* on a case by case basis for each project.

Permit Part 4.2.5.3.4 by **September 1, 2019** all new development or redevelopment projects disturbing greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale must manage rainfall on-site, and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 90th percentile rainfall event. If not feasible, a rationale must be provided on a case by case basis for the use of alternative design criteria.

This water quality volume based methodology will reduce the runoff from a site from the small frequently occurring storms which have a strong negative cumulative impact on receiving water quality. The rationale for using the 90th percentile event is that it represents the majority of runoff volume on an annual basis, and that larger events would be very difficult and costly to control for the same level of water quality protection. Additionally, this storm size represents the volume which is infiltrated in a pre-development condition and therefore achieves the goal of the minimum control measure, which is for the hydrology of new development to mirror the pre-development hydrology of the previously undeveloped site or to improve the hydrology of the redeveloped site. This objective must be accomplished by the use of a combination of practices; site design, structural and non-structural controls that are designed, constructed, and maintained to infiltrate, evapotranspire and/or harvest and reuse rainwater.

The 90th percentile rainfall event is the event whose precipitation total is greater than or equal to 90 percent of all storm events over a given period of record. The 90th percentile rainfall event for the Salt Lake City Airport is approximately 0.6 inches. Guidance for calculating the 90th percentile storm can be found in the Center for Watershed Protection's *Urban Stormwater Retrofit Practices Manual No. 3* (August 2007) and on the Utah DWQ website at https://deq.utah.gov/legacy/permits/water-quality/utah-pollutant-discharge-elimination-system/storm-water-municipal.htm.

Permit Part 4.2.5.4. requires procedures for site plan review that evaluate water quality impacts and that are applied though the life of the project from conceptual design to project closeout.

Permit Part 4.2.5.4.1 requires Co-Permittees to review post construction plans to ensure long-term controls are implemented which meet the permit requirements.

Permit Part 4.2.5.5.2 requires that permanent structural BMPs be inspected at least once during installation by qualified personnel and that construction be verified upon completion to ensure the BMPs were constructed as designed.

Permit 4.2.5.6. requires that all staff involved in post-construction storm water management, planning and review, and inspections and enforcement be trained on an annual basis. New hires must be trained immediately upon hire prior to commencing storm water related duties.

Pollution Prevention and Good Housekeeping for Municipal Operations

This minimum control measure has been reorganized to more clearly outline the requirements for "high priority" municipal facilities and overall SOP development and implementation for all facilities and municipal operations.

Permit Part 4.2.6.4. requires Co-Permittees to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) or similar type document for each "high-priority" Co-Permittee-owned or operated facility within 180 days from the effective date of this Permit. The SWPPP must identify potential sources of pollution, describe and ensure implementation of practices that are to be used to reduce pollutants in storm water discharges associated with activity at the facility and must include a site map showing the information required in Permit Part 4.2.6.4. The previous Permit required SOPs to address many of these requirements and these SOPs, provided that they meet the Permit requirements, may be used as part of this SWPPP document. SOPs must be

tailored to the specific Co-Permittee, facility, or operational procedure and must not contain generic descriptions of municipal activities.

Further clarification has been provided in Permit Part 4.2.6.6.6 concerning the proper management and disposal of waste and wastewater removed from the MS4. This material includes but is not limited to, street sweepings and catch basin cleanout materials. The Division has added the word "impervious" to the requirement "materials removed from the MS4 shall be dewatered in a contained, impervious area…" to clarify that dewatering onto the ground is not in compliance with this Permit. Further clarification is made in this provision with the sentence "The solid material shall be stored and disposed of properly to avoid discharge to Waters of the State during a storm event." Waters of the State was added to emphasize that discharges cannot be made onto the ground as underground waters are also Waters of the State (see Permit Definition 7.46.).

Permit Part 4.2.6.8. requires that all employees, contracted staff, and other responsible entities involved in construction, operation, or maintenance job functions that are likely to impact storm water quality be trained on an annual basis. New hires must be trained immediately upon hire and annually thereafter.

Industrial and High Risk Runoff (Phase I Co-Permittee only)

The previous permit required that Phase I Co-Permittee, Salt Lake County develop and implement an inspection and oversight program to monitor and control pollutants in storm water discharges to the MS4 from industrial and high risk commercial sites/sources. As of January 1, 2017 Millcreek City, as well as the Metro Townships of Emigration Canyon, Magna, Kearns, Copperton, and White City incorporated. On March 2, 2018, Millcreek City subsequently submitted an NOI for coverage as a Phase II Co-Permittee under the Jordan Valley Municipalities Storm Water Permit. As part of incorporation process, the Greater Salt Lake Municipal Services District (MSD) was created to provide municipal services to its members including the Metro Townships and the remaining unincorporated County areas. The MSD will manage the UPDES Permit and operation of it's members MS4s. On March 2, 2018, the MSD submitted an NOI for coverage as a Phase II Co-Permittee under the Jordan Valley Municipalities Storm Water Permit.

As a result of the jurisdictional changes, at the time of the permit preparation, Salt Lake County no longer had Industrial and High Risk runoff sites within its jurisdiction and therefore was not subject to the Phase I Co-Permittee requirements for Industrial and High Risk Runoff. Permit Part 4.3 was retained in the event that there are future jurisdictional changes.

Wet Weather Monitoring

The previous permit required that Phase I Co-Permittee, Salt Lake County implement a wet weather monitoring plan. Due to the jurisdictional changes described above, Salt Lake County no longer owns or operates any outfalls nor does the County have jurisdiction over any municipal storm drainage infrastructure as this infrastructure is covered by separate municipalities and other Phase II permits. Therefore, due to the jurisdictional changes, at the time of the permit preparation, Salt Lake County was not subject to the Phase I Co-Permittee requirements for Wet Weather Monitoring. Permit Part 5.2.1 was retained in the event that there are future jurisdictional changes.

Reporting

All Co-Permittees must submit an annual report to the Division by October 1 following each year of the Permit term. As stated in Permit Part 5.6.4, signed copies of the annual report and all other reports required by this permit must be submitted directly to the DWQ electronic document system at:

https://deq.utah.gov/water-quality/water-quality-electronic-submissions

Record Keeping

The Co-Permittees shall retain all required plans, records of all programs, records of all monitoring information, copies of all reports required by this Permit, and records of all other data required by or used to demonstrate compliance with this Permit, for at least five years as stated in Part 5.4.4. Some records, as in the case of common plans of development, may need to be retained longer than five years.

Permit Duration

As stated in UAC R317-8-5.1(1), UPDES permits shall be effective for a fixed term not to exceed five (5) years. Therefore, this Permit will be set to expire on XXXX XX, 2023, five years after the effective date of reissuance.

Comments Received and DWQ Responses

The public notice was published in the Salt Lake Tribune and Desert News newspapers on XXXX XX, 2018. The Permit was also announced on the Utah Division of Water Quality's Public Notice website at https://deq.utah.gov/division-water-quality

The 30-day public notice began on XXXX XX, 2018, and ended on XXXX XX, 2018. Please refer to the Utah Division of Water Quality's website at http://www.deq.utah.gov/Permits/water/updes/stormwatermun.htm for the response to comments received.

This Permit and Fact Sheet were drafted by Trisha DiPaola, MS4 Program Coordinator, Utah Division of Water Quality. For questions or comments contact Ms. Di Paola at tdipaola@utah.gov or 801-536-4193

Business Dischargers that may need a Separate UPDES permit

The Following Businesses are being listed for possibly needing Separate UPDES permit due to exposure to weather and or outside process taking place which could affect water quality.

1. **Scuff Steel / Trucking**
   325 South Geneva Road 801-785-5085
2. **Utah Pacific Bridge Steel**
   50 North Geneva Road 801-785-3557
3. **White Flame (Wood Product Manufacturer with A lot of outside process)**
   125 South 1800 West 801-785-1151
4. **Tucker Lawn Care (Compost Facility along the Lower Lindon Ditch)**
   1483 West 70 South 801-787-6203
5. **Christensen Landscaping (Landscaping Storage in parking lot)**
   1475 West 40 South 801-369-7810
6. **MS Properties (Whole Property not just Galvanizing plant)**
   433 North 1030 West 801-785-0505
7. **Schaffer Properties**
   141 South Western Coil Road 801-796-7547 Clark Taylor